

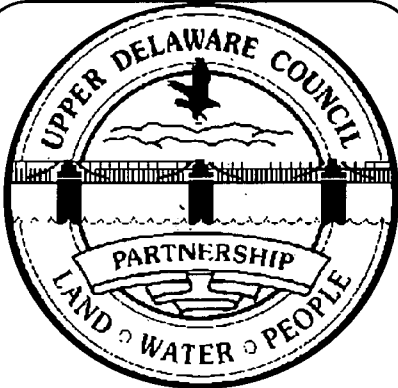
The Upper Delaware

The quarterly newsletter about the environment and people of the Upper Delaware River

Volume 7 Number 4

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Winter, 1994/1995



In This Issue...

Featured Article

New land trust offers several alternatives to landowners in the river corridor

View from the Chair

A few words from the 1995 UDC Chairman

UDC Activities

The Council receives an award, and seats a new slate of officers. Plus, make your reservations now for the UDC Awards Banquet--handy reservation form included in this issue!

Corridor Happenings

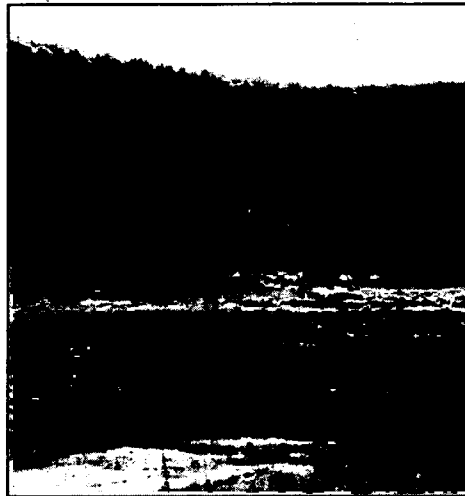
Eagle watching; zebra mussel update; ecotourism; and tips on cutting waste at work. Activities happening in the next few months.

Coming in the next issue:

More cat tales from local residents!

DELAWARE HIGHLANDS CONSERVANCY:

A new land trust offers conservation options to landowners of the Upper Delaware region.



Butternut Island in the Delaware River above Callicoon, a recent acquisition of the Nature Conservancy land trust.

'The question today is: How can we grow without losing the essential network of forests, fields, and streams that have created "the sense of country" so prized by residents and newcomers to our region? Are there no alternatives to endlessly subdividing the land?'

Ed. Note: This article was written for this issue of The Upper Delaware by local resident Barbara Yeaman, a driving force behind the formation of the Delaware Highlands Conservancy and a longtime friend of the Upper Delaware River.

As little as one hundred years ago, the mountains surrounding the Upper Delaware River were cut bare by the loggers that flourished here. Fortunately for us, the trees cut down by this type of industry grew back. The threat to the land now is from development and subdivisions--and unfortunately, this time, the trees may be lost forever...

From my window I watch the construction of a fine new home. In almost any neighborhood the house would be an asset. But this house is rising in the middle of a meadow and cornfield bordering a national scenic river. And more

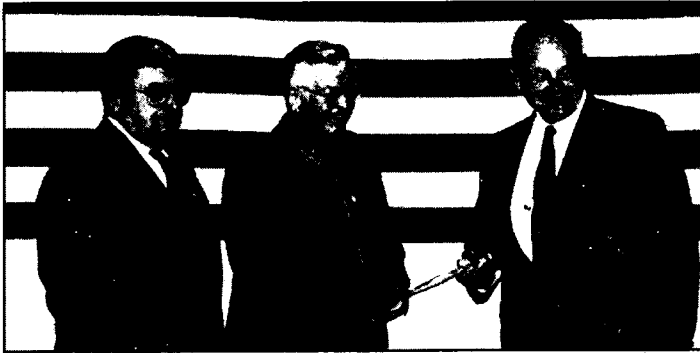
homes will follow.

The view from the house is breathtaking. But the view of the house to passersby signifies the end of farming on this fertile bottomland soil. Zoning permits it. Appreciated land values contribute to it.

John Oldland (the neighbor's fictitious name) and his family had worked these soils for three generations, but land values rose steeply as Oldland, now in his late 60's, looked to retirement. He followed what seemed the sensible path and put the property on the market. A week later he was offered \$500,000 for the house, barn, and 150-acre tract. It seemed a fortune he could not refuse.

In this case, the new buyer was a businessman who enjoyed the sense of country, but had to subdivide Oldland's farm to pay the

---"Land trust" continued on page 6---



Outgoing Chair Ed Sykes passes the gavel to George Frosch, the 1995 UDC Chair, as Francis E. Hartmann, Town Justice for the Town of Deerpark, NY, looks on.

George H. Frosch sworn in as 1995 UDC Chairman

John McKay and Scott Haberli also assume new leadership roles.

George Frosch, the new Council Chair, has served as the representative from the Town of Hancock, NY since the Council's inception in 1988 and played an active role in the development of the River Management Plan and in the Council of Upper Delaware Twps.

John McKay, the new Vice-Chair, has served as the UDC rep from Lackawaxen Twp., PA for

the past two years, and during that time has been active on all three of the Council's standing committees.

Scott Haberli, Town of Fremont, NY, was appointed to the Council in January, 1994. He has served as the representative from the Town of Fremont, NY, and as a member of the Water Use / Resource Management Committee.

UDC Honored Recently with Environmental Partnership Award



The UDC was a one of eight recipients of the 1994 Environmental Partnership Awards for Northeastern Pennsylvania. These awards, given annually to recognize businesses, agencies, civic groups, and individuals who promote a healthier environment by working in partnership with other agencies, are given by the Pennsylvania Environmental Council in partnership with Wilkes University, the Economic Development Council of Northeast PA, the World Future Society, and Procter & Gamble Paper Products Company.

In presenting the award to UDC Executive Director Bill Douglass, Howard Grossman of the EDCNP noted that the UDC "...serves as a model for other environmental organizations around the country."

The UDC joins more than two dozen organizations, agencies, and individuals who have been singled out for this award over the past five years, including PennDOT's Adopt-a-Highway program, Lackawac Sanctuary Foundation, the Lackawanna River Corridor Association, the Susquehanna River Watch, Inc., and others. The hand colored, calligraphied certificate is on display in the UDC office.



1995 Upper Delaware Council -- (Seated, Front Row, left to right) Scott Haberli, Town of Fremont, NY and UDC Secretary/Treasurer; George Frosch, Town of Hancock, NY and UDC Chair; John McKay, Lackawaxen Twp. PA and UDC Vice Chair; (Row 2) Phil Chase, Town of Deerpark, NY; Larue Elmore, UD CAC; Dave Everett, DRBC; John Hutzky, NPS; Dave Lamereaux, PA DER; George Fluhr, Shohola Twp., PA; Ed Sykes, Town of Delaware, NY; (Row 3) Al Bowers, Westfall Twp., PA; Tom Hill, Town of Lumberland, NY; Bruce MacMillan, NY DEC; Charlie Wieland, Town of Tusten, NY; Larry Richardson, Town of Cocheton, NY; Lew Schmalzle, Town of Highland, NY. (Photo courtesy of News Eagle)

UPPER DELAWARE RIVER POPULAR AREA WITH BALD EAGLES

Canoeists may flock to the Upper Delaware during the summer, but winter is the popular season for bald eagles to flock to the river valley.

The Upper Delaware River region, including parts of Sullivan Orange, and Delaware counties in New York and Pike and Wayne counties in Pennsylvania, provides ideal habitat for the bald eagle. The river valley and its associated reservoir system provide clean water, ample food and undisturbed stands of deciduous and coniferous trees for eagle roosting and nesting.

In recent years, eight pairs of bald eagles have made this region their home. In addition, the Upper Delaware provides excellent wintering grounds for transient eagles. As lakes and rivers freeze in northern parts of the United States and Canada, bald eagles migrate to areas with open water, a reliable food source. The Upper Delaware region has hosted more than 100 bald eagles in recent winters, making this one of the most significant bald eagle wintering areas in the north-east United States.

WHERE CAN YOU FIND BALD EAGLES?

You can see bald eagles along the Delaware River throughout the year, but your chances of observing a bald eagle dramatically improve during the winter months.

From December to March, look for bald eagles along the Delaware where major tributaries meet the river. The inflow of water keeps these areas free of ice, thus providing adequate areas for eagles to fish.

There are public access areas at Callicoon and Lackawaxen. Or you might have some luck along Route 97 at Route 55 (Barryville), CR 41 (Pond Eddy), and CR 31 (Mongaup).



Pull-off or parking areas along Route 97 in the towns of Highland and Lumberland that have been cleared of snow might also be ideal viewing spots.

Outside the river corridor, consider visiting the headwaters of the Mongaup Falls Reservoir (CR 43) in Forestburgh, where a newly erected observation booth can help shield you from the cold. Plank Road, also in the Town of Forestburgh, has a marked viewing area on the Rio Reservoir.

REPORTING YOUR SIGHTINGS

New York Audubon encourages bald eagle watchers to report their sightings to us; monitoring is an important part of the Audubon Bald Eagle Conservation and Education program. This ongoing program brings important information to the residents and visitors of the Upper Delaware River Valley.

When you spot an eagle, try to determine if it has a tag on its wing or leg. Be as specific as possible about where you saw your eagle, and what it was doing, when you report to us.

We can be reached at (914)557-8025 or by writing: New York Audubon Society, P.O. Box 111, Eldred, N.Y., 12732.

*Thanks to Lori Danuff McKean
Director, Resource Conservation
New York Audubon Society for writing
this article for us.*

"EAGLE ETIQUETTE"

Bald eagles are not very tolerant of human activity. Human presence can stress the birds and negatively affect their feeding and roosting. The energy they use to avoid human disturbance is no longer available for other uses. Repeat disturbances can cause serious problems for the eagle, especially in heavily-visited viewing areas.

For this reason, New York Audubon has put together some eagle viewing guidelines, which we feel will provide the least intrusive and most successful viewing opportunities.

We suggest you follow the preferred "eagle etiquette:"

- Remain in or immediately next to your vehicle.
- Use binoculars; don't try to get "just a little bit closer."
- Remain quiet; no loud music, door slamming or yelling.
- Don't do anything to try to make the bird fly.
- Respect private property and restricted areas.

For your safety, we also suggest that you:

- Pull completely off the road; park in designated areas.
- Be prepared for ice, snow and deep mud.
- Avoid hypothermia. Dress for extreme cold.

Have Fun!

UDC AWARDS BANQUET

Saturday Evening, March 25, 1995
 The Country Club at Woodloch Springs, Hawley, PA

Reception with Cash Bar and hot and cold Hors d'oeuvres
 5:00 p.m. - 6:00 p.m.

Dinner
 6:00 p.m.

Your Dinner Includes:
 Cream of Potato and Leek Soup
 Garden Fresh Tossed Salad

and your choice of: Roast Turkey with all the Trimmings
 Roast Top Round of Beef
 Stuffed Flounder with Shrimp and Cheese

with potato, garden fresh vegetable,
 homemade breads, and
 Apple Crumb Pie ala mode for dessert



Tour Woodloch Springs!

If you've never seen the grounds and facilities of this award-winning community, here's your chance! Special FREE guided tour just for UDC Banquet attendees will be conducted from 4:00 -- 5:00 p.m before the banquet festivities start. If interested, please circle the word "TOUR" after your dinner choice. See you there!



Make your reservations now!! \$20.00 per person
 (Please print clearly and note any dietary restrictions)

Entree Choice
 (circle one)

Name _____
 Address _____
 Daytime Phone _____
 Guest _____
 Guest _____
 Guest _____
 Guest _____
 Guest _____

Turkey	Beef	Fish	TOUR
Turkey	Beef	Fish	TOUR
Turkey	Beef	Fish	TOUR
Turkey	Beef	Fish	TOUR
Turkey	Beef	Fish	TOUR

(Use additional paper, if needed)

To avoid delays at the banquet, mail your reservation with your check for \$20.00 per person today to Nancie at the Upper Delaware Council, P.O. Box 192, Narrowsburg, NY 12764-0192 !
 Questions? Give us a call @ (914) 252-3022

**Deadline for reservations:
 Monday, March 20, 1995!
 Make yours now!**

mortgage. The most valuable building lots lay on flat terraces overlooking the river, on the most fertile soils.

For John Oldland's part, after he'd finished paying the Realtor's commission, settlement fees, and the capital gains tax, his profit had shrunk to just about half of the \$500,000 selling price. And his dairyman son, who loved the land, could no longer work the family farm.

CONSERVATION OPTIONS

It's our goal in incorporating the Delaware Highlands Conservancy to create alternatives to selling fertile historic lands such as these.

"We're the next frontier," a local Realtor in the Milford, PA area told the New York Times recently. "The only place in the region that is still growing significantly—the only place around New York [City] where there are many more people moving in than moving out. Why? We're clean, safe, and affordable...need I go on?"

Strategies which John Oldland probably did not know of, including the shelter of certain federal tax laws, provide a variety of incentives for land conservation.

Here are examples of options that are available for conserving farmland, forests, wildlife habitat, etc. (Our discussion will refer to Oldland's farmland, but the same principles apply to other special lands.)

Option A: Oldland needs money, doesn't really want to sell the land, and wants to protect it for future generations.

One strategy is to sell the development rights - on all or part of his land - to a land trust, or to a

County Agricultural Preservation Board. This is one kind of "conservation easement."

The value of this easement will be the difference between the appraised value of the land for development (i.e. at its highest and best use - let's say \$500,000) minus the agricultural value of the land (i.e. the land value restricted by the easement - let's say \$200,000). In this case Oldland will be paid \$300,000 but will still own the land and have the right to farm and use it. He will continue to pay property taxes and can bequeath the land to his heirs or even sell it at its farmland value. The one restriction is that the land cannot be developed or subdivided. Oldland will pay income taxes on the cash received, but his estate taxes will be lowered significantly since the farm is now appraised as agricultural land.

Option B: Oldland has sold his livestock and farm machinery and will have a big tax liability. He'd like to reduce this without selling the farm.

Since he owns prime farmland next to a scenic river, John Oldland may be entitled to an income tax deduction for protecting his farm from development. The Internal Revenue Service (IRS) code will permit this if he donates his development rights to a charitable land trust in the form of a conservation easement.

The value of this easement will also be \$300,000, which Oldland can deduct from his federal and state income taxes for up to six years.

Option C: Oldland wants to sell or donate development rights, but first wants to create a few more building lots.

This is possible, and requires that the landowner and the land trust discuss and agree upon mutually acceptable conditions. In this case, the easement will provide specifics on areas of protection and areas of development. Several tax benefits may accrue to the landowner for this level of protection as well.

"Every landowner is unique," says attorney Stephen Small in his book "Preserving Family Lands". "Every piece of land is unique. Every conservation easement should be unique and must be tailored to meet the needs of that particular landowner and that particular piece of land."

These are just some of Oldland's options. The important thing is for a landowner like Oldland to plan ahead and if necessary take some action to shelter his appreciated land. If he doesn't, IRS estate tax laws may dictate what the heirs can do.

In each of the examples described, the estate tax benefits are substantial. Whichever option Oldland selects, his estate is reduced

"I didn't want to live in the immediate suburbs. I like the sense of country, even though it's getting less and less like country with all the construction going on."

New resident and Manhattan commuter speaking to the New York Times.

by the value of the easement and this significantly reduces the amount of tax his heirs will have to pay. In many instances it is this estate tax that forces heirs to sell property quickly in order to pay the federal taxes that are due 9 months after the owner's death

These examples are simplified, and the laws are complex. These are family decisions, and should not be made without legal advice.

CONSERVATION EASEMENTS

Lastly we need to clear up some of the confusion about "conservation easements." What, exactly, is such an easement?

A conservation easement is a contract negotiated between the land

---"Land trust" continued from page 6---

owner and a second party, usually a charitable land trust, which protects some important conservation quality of land, such as habitat, open space, or scenic views. Each easement is crafted to suit the particular conditions of the land involved. It is a recorded deed restriction which remains in effect forever, and the right to monitor the easement is given to the party buying or accepting it. The land owner retains all the rights and uses of the property which are not conveyed in the easement.

The easement is perpetual, rides with the land, and binds all subsequent owners. Although it preserves a public good by protecting an eagle nest or a scenic vista, it does not give the public a right to use or cross the land.

QUALIFICATIONS FOR IRS DEDUCTIONS

Do all such easements qualify for federal tax deductions? "As a rule", says attorney Small, "the more significant the land is, the more it adds to the public good, the more likely it is that you will qualify for the deduction.

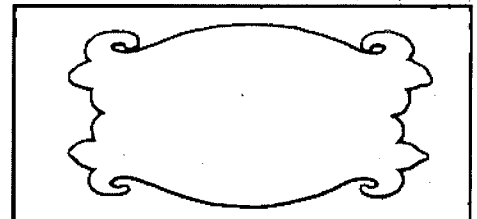
"Think of it this way. If you are truly contributing something to the general environmental well-being of the area, then that's a public good and a deductible gift."

ROLE OF THE DELAWARE HIGHLANDS CONSERVANCY

It is a goal of the Delaware Highlands Conservancy to provide a charitable trust to receive and pro-

tect values in land in Wayne and Pike Counties, Pennsylvania and Sullivan and Delaware Counties, New York; to inform interested landowners about land conservation tools; and to join with them to conserve as much as possible of both our region's natural and cultural heritage.

If you would like more information about conservation easement programs, or about the new Delaware Highlands Conservancy, or would like to become a member, please write to HC 1 Box 1926, Milanville, PA 18443-9743, or phone (717) 729-7053.



Make Your New Year's Resolution to Reduce, Reuse, Recycle--especially at work!

Just 30 years ago, American workers discarded 1.2 million tons of office paper into landfills and incinerators. By 1988, that amount had grown to 5.7 million tons! (That's the equivalent of 207 million boxes of photocopier paper!) And, despite the advent of the so-called "paperless" office, the amount of paper we continue to throw away at work keeps increasing!

On the good news side, nearly 80% of all office-generated paper waste can--and should--be recycled. If your office doesn't currently have a program in place, contact your local recycling center for tips on getting started. In the meantime,

and in addition, here are some other things you can do to cut down the paper flow:

Centralize information in one place.
Post notices instead of distributing copies to everyone.

Use interoffice e-mail instead of memos.

Make two-sided copies.

Reuse the blank side of papers for notes and scratch pads.

Cut down waste in other areas at work, too. It's easy! Just by getting rid of foam and paper coffee cups (bring a mug from home!) at work, we could each keep more than 5,000 paper and foam cups a year out of our landfills!

Ice-Trivia

2 inches of ice will bear men on foot.

4 inches of ice will bear men on horseback.

8 inches of ice will bear teams with heavy loads.

10 inches of ice will bear 1,000 pounds per square foot.

According to the 1850 edition of Scribner's Lumber and Log Book.

Do We Have Your Correct Address?

If your address has changed, or you no longer own land in the Upper Delaware River area, please help us to update our records. Fill in your new address, or the name and address of the new owner of your property, and return this notice to The Upper Delaware Council, P.O. Box 192, Narrowsburg, NY 12764-0192

New Address:
Name _____
Address _____
Address _____
City/State/ZIP _____

Old Address:
Name _____
Address _____
Address _____
City/State/ZIP _____

[] Check here to be removed from our mailing list.

Check here for info on [] Friends [] River Trip

UDC Ecotourism Conference Spotlights Opportunities in the Upper Delaware Valley

More than 75 people attended the UDC conference, held at the Club at Villa Roma, which focused on ways the 5-county area can capitalize on the growing consumer interest in ecotourism, the 2nd largest industry in NY and PA.



D.J. Jahn, (standing) owner of the Roebling Inn on the Delaware, and Bob Uguccioni of the Pocono Mts. Vacation Bureau, discuss the need for regional promotion in our area.

Zebra Mussel Alert!!

For the first time, zebra mussels have been found in the Allegheny River in western PA. Because of their invasiveness, and the damage they can cause, boaters and anglers are urged to take steps to prevent their spread to the Upper Delaware River. If you have been active in other bodies of water, thoroughly clean boats and gear by scraping, steam cleaning or air-drying for 10-14 days before putting into the Delaware. Take care to drain water from trailers and boats. Also, don't transport live bait in water from infested areas. For more info contact Don Hamilton, Natural Resource Specialist, NPS, at 717-729-7842.

New Feature! Got a question? A suggestion? A concern? Write to the UDC c/o the Editor--and get an answer in the next issue of *The Upper Delaware!*



Andrew Boyar, Chair, Sullivan County Board of Supervisors, set the stage for a lively give-and-take of ideas throughout the day.



David Fasser, NYS DOT talks about the state's Scenic Byways program and its applicability to Route 97.



Keynote speaker Constance Leider and Ron Cooksy, NPS, discuss viable strategies during a break in the activities.

--Coming this June--

First annual Delaware River canoe trip from Hancock, NY to Washington Crossing, NJ! Ten days of activities, speakers, events, food, and FUN celebrating the Delaware River!
To find out more call or write Nancie at the UDC now!

Look what the Friends of the Upper Delaware are up to now!

I Walked the Upper Delaware

New "walking-talking-hiking-dining-and-more" exploration of our beautiful river valley kicks off with a slide show and fascinating look at the varied and intriguing architecture of the region in January. Next up in February is an eagle walk and watch, followed by other fun activities up and down the river. There's a new program every month--and there's no better way to get out and discover the treasures that are right under your nose! Complete info available in *Currents*, the Friends newsletter, or by calling the UDC.

Next Friends Meeting: 2/26/95

Guest Speakers from PA DER talk about possible low-level nuclear waste site in Wayne or Pike County. What are the ramifications to you, your community, and the Upper Delaware River? Now you can find out for yourself!

To keep up with the Friends, subscribe now to *Currents*, the official publication of the Friends of the Upper Delaware!

It's the only way to know what's happening!

For more information contact Nancie at the UDC office.



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The UDC meets on the first Thursday of every month at 7:30 p.m. in the Tusten Town Hall, Narrowsburg, NY. Committees meet on the third and fourth Tuesdays of every month at the UDC Office, 211 Bridge Street, across from the Town Hall. Call (914) 252-3022 for details.

Upper Delaware Council
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Narrowsburg, NY 12764-0192

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