National Park Service
U.S. Department of the Interior

Upper Delaware Scenic
and Recreational River

274 River Road
Beach Lake, PA 18405

570-729-7134 phone
570-728-8565 fax

Superintendent's Compendium
Of Designations, Closures, Permit Requirements and Other Restrictions Imposed Under Discretionary Authority.

Approved:

Sean J. McG Date: 03/05/13
Sean J. McGuinness, Superintendent

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations ("36 CFR"), Chapter 1, Parts 1-7, authorized by Title 16 United States Code, Section 3, the following provisions apply to all lands and waters administered by the National Park Service, within the boundaries of Upper Delaware Scenic and Recreational River. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

These rules are applicable on the Delaware River from the confluence of the East and West Branches at Point Mountain in the vicinity of Hancock, New York to the railroad trestle in the vicinity of Sparrowbush, New York, and on any lands owned or leased by the National Park Service (NPS) within the designated boundary of the Upper Delaware Scenic and Recreational River (Upper Delaware S&RR).

Individuals interested in more information about these provisions should contact: The Superintendent, Upper Delaware Scenic & Recreational River, 274 River Road, Beach Lake, PA 18405-4046, or call (570) 729-8251.

Written determinations, which explain the reasoning behind the Superintendent's use of discretionary authority, as required by Section 1.5(c), appear in this document identified by *italicized print.*

36 CFR § 1.5 – VISITING HOURS, PUBLIC USE LIMITS, CLOSURES, AND DESIGNATIONS FOR SPECIFIC USES OR ACTIVITIES

(a)(1) The following visiting hours, public use limits, and closures are established:

Visiting Hours:

- Pennsylvania Fish and Boat Commission river accesses are closed from 10:00 pm to 5:00 am.
- The Tusten Mountain Trail is closed for three weeks beginning on the third Saturday in November for the New York big game hunting season.

Public Use Limits:

- It is the determination of the Superintendent of the Upper Delaware S&RR, based upon a review of the River Management Plan, inspection of Milanville and Corwin Farm facilities, and consultation with field law enforcement personnel, that Milanville Office and Corwin Farm Ranger Station land bases will not be used for public launching or landing of watercraft.

  The Milanville facility has limited shoreline on the Delaware River and the unimproved road access is only partially on NPS property. This particular road is deeded shared-access by two

other property holders as part of a subdivision covenant. In addition, the minimal shoreline owned by the NPS in this area is not suitable for launching non-powered craft. Public launch sites exist; immediately across the river at Skinner's Falls, three miles north of the Milanville Office at Damascus, on the Pennsylvania shore; and at Cochecton on the New York shore.

The Corwin Farm Ranger Station property has an administrative boat launch but space is very limited, both for parking and launching or landing, because of the launch ramp's close proximity to the neighboring property line. The limited area for launching and landing would cause safety hazards for volume use. The River Management Plan did not designate this area for public launch site development. Therefore, the launch ramp is closed to public launching and landing.

- The Tow Path Trail located on the New York shore in the vicinity of the Roebling Bridge is closed to all motorized vehicles except those authorized by the NPS for maintenance and emergency service operations and single-occupant conveyances for handicapped visitors
  This restriction is determined necessary to manage the risk of visitor injury and damage to the trail surface.

Closures:

- The park is closed to the following activities:
  - Camping

(a)(2) The following designations, conditions, and/or restrictions are imposed on a specific use or activity:

- All individuals in or on the waters of the Delaware River within the Upper Delaware Scenic and Recreational River during periods of high water are required to wear a Type I, II, III, or V U.S. Coast Guard approved Personal Flotation Device (PFD). The PFD must be of the proper size for the individual wearing it and must be in good, serviceable condition. High water is defined as six (6) feet and above, as measured at the Callicoon Gage for all points upstream of the northern side of the Callicoon Bridge. For the river downstream of that point to the southern boundary of the park, high water is defined as six (6) feet and above as measured at the Barryville Gage.

  This condition is determined necessary to manage the increased risk to river users and rescue personnel during periods of high water.

- Personal floatation devices are required by users of inflatable inner tubes or similar devices used for transportation on the water.

  This condition is determined necessary to ensure public safety on the river.

- Water skiing is allowed in the Narrowsburg pool only and it must be done in accordance with applicable State (NY/PA) Law.

  This condition is determined necessary to ensure public safety on the river.

- Swimming is allowed in all areas of the river, except that swimming and wading is not permitted at the PA Fish and Boat Commission accesses.

- Bathing is prohibited in the river.

- Bicycle riding is prohibited on the Roebling Bridge sidewalks and towpaths.

36 CFR § 1.6 – ACTIVITIES THAT REQUIRE A PERMIT

Activities requiring a permit are listed throughout this document under the specific 36 CFR section that authorizes or requires the issuance of a permit.

See attached Appendix A for permit procedures.

36 CFR § 2.1 – PRESERVATION OF NATURAL, CULTURAL AND ARCHEOLOGICAL RESOURCES

Under (a), collecting natural materials from the park is generally prohibited. However, pursuant to (c), the following fruits, nuts, berries or unoccupied seashells may be gathered by hand for personal use or consumption, in accordance with the noted size, quantity, collection sites and/or possession and consumption restrictions:

- Visitors may take *dropped* fruit from the Corwin Farm Ranger Station orchard. This orchard consists of seven (7) apple and two (2) pear trees. Visitors may not climb, shake or pick fruit from the trees due to their historic significance.

  It has been determined that the gathering of dropped fruit from this orchard will not adversely affect park wildlife, the productive potential of a plant species, or otherwise adversely affect park resources.

36 CFR § 2.2 - WILDLIFE PROTECTION

(d) The transporting of lawfully taken wildlife through the park is permitted under the following conditions and procedures:

- Applicable Federal and State (NY/PA) laws apply.

36 CFR § 2.3 – FISHING

(a) Fishing shall be in accordance with the laws of Pennsylvania and New York. When fishing from the Pennsylvania shore, fishing shall be in accordance with the laws of Pennsylvania. When fishing form the New York shore, fishing shall be in accordance with the laws of New York. A valid New York or Pennsylvania fishing license is required for all anglers, age 16 and older, on the Delaware River between NY and PA when fishing from a boat or from either shore.

Pursuant to (d)(8), fishing from motor bridges is prohibited.

36 CFR §2.4 – WEAPONS, TRAPS, AND NETS

Pursuant to 18 U.S.C. § 930, firearms are prohibited in federal facilities. Federal facilities are defined as "buildings or parts thereof owned or leased by the federal government, where federal employees are regularly present for the purpose of performing their official duties." Federal facilities are marked with signs at public entrances, and include the following buildings:

- *Head Quarters Complex (Head Quarters Building, Operations Building and Annex Building)*
- *Milanville Office & Garage Facility*
- *Zane Grey Museum*
- *Lackawaxen Maintenance Facility*
- *Corwin Farm Ranger Station*

Pursuant to 16 U.S.C. §§ 1a – 7b (P.L. 111-24 Section 512), park visitors may carry firearms in National Parks if they are in compliance with Federal, State, and local laws.

Pursuant to (a)(2)(ii), weapons, traps or nets may be carried, possessed or used at the following times and locations:

- In accordance with Federal and State (NY/PA) laws

36 CFR §2.5 – RESEARCH SPECIMENS

(a) Taking plants, fish, wildlife, rocks or minerals is prohibited except in accordance with other regulations of Chapter I of 36 CFR or pursuant to the terms and conditions of a specimen collection permit.

36 CFR §2.10 – CAMPING AND FOOD STORAGE

(a) Camping is prohibited in the park pursuant to 36 CFR § 1.5 Closures.

36 CFR §2.12 – AUDIO DISTURBANCES

(a)(2) Operating a power saw in developed areas is prohibited, except pursuant to the terms and conditions of a permit.

(a)(3) Operating any type of portable motor or engine, or device powered by a portable motor or engine in non-developed areas is prohibited, except pursuant to the terms and conditions of a permit.

(a)(4) Operating a public address system is prohibited, except in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51.

36 CFR § 2.13 – FIRES

(a)(1) The lighting or maintaining of fires is generally prohibited, except as provided for in the following designated areas and/or receptacles, and under the conditions noted:

- Fires are permitted in accordance with Federal and State (NY/PA) laws

36 CFR §2.14 – SANITATION and REFUSE

(a)(2) Using park refuse receptacles or facilities for dumping household, commercial or industrial refuse is prohibited.

36 CFR § 2.15 – PETS

(a)(1) The following structures and/or areas are closed to the possession of pets: (except for use with disabilities)

- All National Park Service, Upper Delaware S&RR buildings.

(b) The use of dogs in support of hunting must be in accordance with Federal and State laws and the following conditions:

- No further conditions apply.

36 CFR § 2.17 - AIRCRAFT and AIR DELIVERY

(a)(3) Delivering or retrieving a person or object by parachute, helicopter, or other airborne means is prohibited, except in emergencies involving public safety or serious property loss or pursuant to the terms and conditions of a permit.

(c)(1) The removal of a downed aircraft, components, or parts thereof is subject to procedures established by the Superintendent.

36 CFR § 2.20 – SKATING, SKATEBOARDS and SIMILAR DEVICES

Using roller skates, skateboards, roller skis, coasting vehicles or similar devices is prohibited on National Park Service properties.

36 CFR § 2.21 – SMOKING

(a) The following portions of the park, buildings, structures and/or facilities are closed to smoking as noted:

- The Superintendent has determined that smoking in or within 25 feet of all National Park Service, Upper Delaware S&RR facilities is prohibited.

These designations are based on a determination that smoking is prohibited to protect park resources, reduce the risk of fire, and prevent conflicts among visitor use activities. These designations are in accordance with Federal law.

36 CFR § 2.22 – PROPERTY

(a)(2) Leaving property unattended for longer than 24 hours is prohibited.

36 CFR § 2.35 –ALCOHOLIC BEVERAGES and CONTROLLED SUBSTANCES

(a)(3)(i) The following areas and facilities within the park are closed to consumption of alcoholic beverages, and/or to the possession of a bottle, can or other receptacle containing an alcoholic beverage that is open, or has been opened, or whose seal has been broken or the contents of which have been partially removed:

- Alcoholic beverages are permitted in the park in accordance with all applicable Federal and State (NY/PA) laws.

36 CFR § 2.37 – NONCOMMERCIAL SOLICITING

Soliciting or demanding gifts, money, goods or services is prohibited except pursuant to the terms and conditions of a permit that has been issued under §2.50, §2.51, or §2.52.

36 CFR § 2.38 – EXPLOSIVES

(a) Using, possessing, storing, or transporting explosives, blasting agents or explosive materials is prohibited, except pursuant to the terms and conditions of a permit.

(b) Using, or possessing fireworks and firecrackers is prohibited.

36 CFR § 2.50 – SPECIAL EVENTS

(a) Sports events, pageants, regattas, public spectator attractions, entertainments, ceremonies, and similar events are allowed, provided there is a meaningful association between the park area and the events, and the observance contributes to visitor understanding of the significance of the park area, and a permit therefore has been issued by the Superintendent.

36 CFR § 2.51 -- DEMONSTRATIONS

(b) Demonstrations of 25 people or less are allowed within the park areas designated as available under paragraph (c)(2). Demonstrations of more than 25 people are allowed within designated park areas when the Superintendent has issued a permit for the activity.

(c)(2) The following locations are designated as available for demonstrations (see Appendix B for further description of location):

- **Lackawaxen Parking Lot**
- **Zane Grey Museum**

36 CFR § 2.52 -- SALE OR DISTRIBUTION OF PRINTED MATTER

(b) The sale or distribution of printed matter by 25 people or less is allowed within the park areas designated as available under §2.51(c)(2) (see above). The sale or distribution of printed matter by more than 25 persons is allowed within designated park areas when the Superintendent has issued a permit.

36 CFR §2.60 – LIVESTOCK USE AND AGRICULTURE

(a) Livestock are generally prohibited in any park area. They are only permitted in park areas pursuant to the exceptions provided for in §2.60(a) and only pursuant to the terms and conditions of a license, permit, or lease.

36 CFR §2.61 – RESIDING ON FEDERAL LANDS

(a) Residing in park areas, other than on privately owned lands, is prohibited except pursuant to the terms and conditions of a permit lease or contract.

36 CFR §2.62 – MEMORIALIZATION

(a) The installation of a monument, memorial, tablet, structure, or other commemorative installation in a park area without the authorization of the Director is prohibited.

(b) The scattering of human ashes from cremation is prohibited, except pursuant to the terms and conditions of a permit.

36 CFR § 3.7 – PERSONAL FLOATATION DEVICE (PFD) REQUIREMENTS

(a) All requirements in Title 33 CFR part 175 related to PFDs are adopted.

Pursuant to § 3.7(b), PDFs must be worn or carried on the designated waters, at the designated times and/or during designated water based activities outlined in this document under 36 CFR § 1.5.

- Specifically, all individuals in or on the waters of the Delaware River within the Upper Delaware Scenic and Recreational River during periods of high water are required to wear a Type I, II, III, or V, U.S. Coast Guard approved Personal Flotation Device (PFD). The PFD must be of the proper size for the individual wearing it and must be in good, serviceable condition. High water is defined as six (6) feet and above, as measured at the Callicoon Gage for all points upstream of the northern side of the Callicoon Bridge. For the river downstream of that point to the southern boundary of the park, high water is defined as six (6) feet and above as measured at the Barryville Gage.
- Personal floatation devices are required by users of inflatable inner tubes or similar devices used for transportation on the water.

36 CFR § 3.8 – BOATING OPERATIONS

(a)(2) Launching or recovering a vessel is prohibited, except at public river access sites.

This regulation is not intended to prohibited private landowners from launching or recovering their vessels from their property, but is intended to protect the private property rights of residents living along the river.

(b)(3) Operating a vessel in excess of flat wake speed is prohibited in the following areas:

- Within 100' of shoreline, docks, launch ramps, swimmers or downed skiers, waders, anchored or drifting boats.

36 CFR § 3.9 – PERSONAL WATERCRAFT (PWC)

- The use of PWC on the Upper Delaware S&RR is prohibited.

Personal watercraft refers to a vessel, usually less than 16 feet in length, which uses an inboard, internal combustion engine powering a water jet pump as its primary source of propulsion. The vessel is intended to be operated by a person or persons sitting, standing or kneeling on the vessel, rather than within the confines of the hull. The length is measured from end to end over the deck excluding sheer, meaning a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments, are not included in the measurement. Length is stated in feet and inches. (Title 36 Code of Federal Regulations)

36 CFR § 3.12 – USING A VESSEL TO TOW A PERSON

(a) The towing of a person by a vessel is allowed only in the designated areas and in accordance with the conditions listed in this document under 36 CFR § 1.5.

- Specifically, water skiing is allowed in the Narrowsburg pool only in accordance with applicable State (NY/PA) Law.

(b) Towing a person using a parasail, hang-glider or other airborne device may be allowed only in accordance with a permit.

36 CFR § 3.16 – SWIMMING AND WADING

Swimming or wading is allowed in waters, subject to closures or restrictions designated in this document under 36 CFR § 1.5.

- Specifically, the PA Fish and Boat Commission prohibits swimming at their accesses.

36 CFR § 3.17 – SWIMMING AREAS AND BEACHES

(a) Swimming areas and swimming beaches are designated in this document under 36 CFR § 1.5.

36 CFR §3.18 – SCUBA AND SNORKELING

(a) Snorkeling and underwater diving is allowed in park waters.

36 CFR §3.19 – USE OF SUBMERSIBLES

The use of manned or unmanned submersibles may only occur in accordance with a permit issued by the Superintendent.

36 CFR §4.10 – TRAVEL ON PARK ROADS AND ROUTES

(a) Operating a motor vehicle is prohibited except on park roads and parking areas.

36 CFR §4.11 – VEHICLE LOAD, WEIGHT AND SIZE LIMITS

(a) The following load, weight and size limits, which are more restrictive than State law, apply to the roads indicated under the terms and conditions, and/or under permit as noted:

- Roebling Bridge - 10 ton limit

36 CFR §4.21 – SPEED LIMITS

(b) The following speed limits are established for the routes/roads indicated:

- Roebling Bridge - 15 MPH limit

36 CFR §4.30 – BICYCLES

(a) The use of a bicycle is permitted on park roads and in parking areas that are otherwise open for motor vehicle use by the general public.

Areas closed to bicycle use are listed in this document under 36 CFR § 1.5. Specifically, riding a bicycle on the Roebling Bridge sidewalks and towpaths is prohibited.

Appendix A:

Overview: Special Use Permits are issued for use at Upper Delaware under authority as outlined in 36 CFR 1.6 and 16 USC 1a-1.

To apply for a Special Use Permit contact the National Park Service Headquarters Office for the Upper Delaware, 1.5 miles north of Narrowsburg, NY on the Pennsylvania side of the Delaware River between the hours of 8:00 a.m. and 4:30 p.m. on weekdays, or by mail at the following address: Chief Ranger, National Park Service, 274 River Road, Beach Lake, PA 18405-9737. Contact the Chief Ranger at (570) 729-7134 for assistance and information.

Special Use Permit (SUP) applications will be processed at a non-refundable charge of $75.00 to recover associated costs. SUP applications must be completed and returned, with a certified check or money order, at least 10 days prior to the event to allow the Superintendent time to determine if the activity is appropriate.

Commercial Use Authorizations (CUA) will be issued to anyone who conducts commercial business within the jurisdiction of the National Park Service. Contact the Chief Ranger at (570) 729-7134 for information and assistance.

Issuance of Permits: Applications for permits for a special event should be requested thirty days in advance of the event. No permit will be issued if it is determined by the Superintendent that the use will result in damage to Park resources, impose restrictions on visitor use activities, or threaten public health and safety (36 CFR 1.6).

Policy of Use: Permits will be issued to businesses, civic organizations and private organizations who wish to utilize Park resources for events, meetings, conferences and programs. The use of any Park facilities is limited in number as determined by the Superintendent. Regular monthly meetings shall not be permitted in order to avoid monopolization by any one group and to make the facilities available for use by a wide range of local and regional organizations.

Cooperative Agreements: Organizations who have active cooperative agreements with the Park may utilize Park facilities free of charge. Cooperators will only be assessed overtime charges as determined by the Superintendent.

Liability Insurance Standards: A liability insurance policy ranging from $300,000.00 to $5,000,000.00 + will be required for any special event conducted at the Upper Delaware S&RR. The Superintendent may determine reduced liability insurance coverage for small attendance programs. Events providing alcohol will be required to post a $1,000,000.00 policy naming the National Park Service as co-insured. Insurance will be issued in the name of the group. A certificate of insurance must be provided before the activity may take place and received before the permit will be issued.

Performance Bond: A performance bond is the permittee's guarantee payment for potential damages to Park resources. A performance bond will be required if the Superintendent has determined that prior activities conducted by the permittee have resulted in damage to park-owned or legislatively protected resources. A performance bond may also be required if the Superintendent has determined that intensive use of Upper Delaware S&RR by the permittee may result in damages to its facilities and resources. The amount of the bond will be calculated based on the total cost of repair for predictable or possible damages that the Park does not consider as normal maintenance. Performance bonds will be placed in the Park's reimbursable account. Permittee may place a bond with a commercial bonding agent.

Food Service: Events that serve food for the general public will conform to health sanitation standards as outlined in PA/NY State standards.

First Amendment Rights: In accordance with provisions of 36 CFR 2.51, a permit will be issued for public assemblies for the purpose of expressing freedom of religion, speech, or press, including the right to peaceable assembles. No fees, liability insurance or bond shall be assessed for any individual or group claiming First Amendment Rights. The Superintendent shall determine special use permit conditions of time, place and manner to provide for visitor safety and safeguard park resources. The Park shall not support or condone any opinion expressed by special use permittees.

Sale and Distribution of Printed Matter: A permit will be issued for such use but the sale and distribution of printed material is limited to areas established in the Compendium (36 CFR 2.52). Permittees shall not restrict visitor traffic, flow, or interfere with interpretive services.

Appendix B:

Description of Designated First Amendment Areas:

Lackawaxen Parking Lot (Roebling Bridge):

Grassy area of parking lot bordered by parking lot and sidewalk leading to towpath on downstream side of Roebling Bridge and south of sidewalk paralleling roadway and entrance to parking area. Demonstrators may not obstruct the sidewalks or roadways.

Zane Grey Museum:

Grassy area to the south of the flag stone sidewalk leading to the front entrance of the Zane Grey Museum following along Lackawaxen Drive to the southeast corner of the NPS property (marked by wooden post and cable gate). West along the mowed portion of the NPS property to the northwest corner of where the property is no longer mowed, then south to the sidewalk at the south side of the Zane Grey Museum. Demonstrators may not obstruct the sidewalks or roadways.