


COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
EXECUTIVE ORDER

Subject: <p style="text-align:center">Upper Delaware Federal Scenic River</p>	Number: <p style="text-align:center">2003-5</p>
Date: <p style="text-align:center">June 22, 2003</p>	By Direction of: <p style="text-align:center"> Edward G. Rendell, Governor</p>

- WHEREAS, the Commonwealth of Pennsylvania is one of the foremost states in the nation in the battle to improve the quality of our environment; and
- WHEREAS, there is a need to ensure the wise use of the valuable and unique natural resources of Pennsylvania; and
- WHEREAS, the *Wild and Scenic Rivers Act, as amended, (P. L. 90-542, 16 U. S. C. 1271)* provides the Congressional declaration that certain selected rivers of the nation, with their immediate environment, possess outstandingly remarkable scenic recreation, geologic, fish, wildlife, historic, cultural, and other similar values shall be preserved in a free flowing condition and they and their immediate environment shall be protected for the benefit and enjoyment of future generations; and
- WHEREAS, the Commonwealth of Pennsylvania supports the designation of the Upper Delaware as a component of the Federal Scenic Rivers System; and
- WHEREAS, the *Upper Delaware Amendments (P. L. 95-625, 16 U. S. C. 1274)* provides that the Secretary of Interior shall publish land and water use control measures to be developed and implemented by the appropriate officials of the states of New York and Pennsylvania; and
- WHEREAS, several state departments and agencies have authority for enforcing rules and regulations affecting the Upper Delaware Scenic River Management Plan.

NOW, THEREFORE, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority invested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, and in furtherance of the purposes and policies of the *Pennsylvania Constitution, Article 1, Section 27*, and the *Pennsylvania Scenic Rivers Act (P. L. 1277, Act 283, as amended by Act 110, Section 8, P. L. 379, May 7, 1982)*, do hereby designate the Department of Conservation and Natural Resources as the lead agency for implementing and administering the state aspects of the **Upper Delaware Federal Scenic River** designation for the Commonwealth of Pennsylvania.

1. Program Objectives.

a. The objectives of the Upper Delaware Federal Scenic River designation are to:

(1) Protect and maintain the unique scenic, cultural, and natural qualities of the Upper Delaware River corridor including its rare and endangered plant and animal species and rare and natural habitats.

(2) Maintain and enhance the corridor's social and economic vitality and its diversity consistent with efforts to protect the recognized values of the river corridor.

(3) Conserve the resources of the Upper Delaware primarily through the use of existing local and state land use controls and voluntary private landowner actions with local land use ordinances.

(4) Protect private property rights and allow for the use and enjoyment of the river corridor by both year-round and seasonal residents.

(5) Provide for planned growth consistent with local ordinances to ensure optimum use of existing public services while maintaining and conserving the essential character of the river valley.

(6) Maintain and improve fisheries and wildlife habitat to ensure the continued public enjoyment of hunting, fishing, and trapping consistent with state laws.

(7) Foster a public recognition of the Upper Delaware River Valley as a place with its own identity, continuing history, and destiny to be shaped by its residents.

(8) Provide for the continued public use and enjoyment of a full range of recreation activities as is compatible with the other goals.

(9) Encourage maximum local government official, private landowner, private group, and citizen involvement in the management of the Upper Delaware.

b. The program will involve affected state agencies in order to ensure that existing authorities are used to implement the policies and management techniques identified as necessary for river management purposes.

2. Upper Delaware Council. The Secretary of the Department of Conservation and Natural Resources shall be the Commonwealth's appointed representative to the Upper Delaware Council.

3. Cooperation by State Agencies.

a. The Department of Conservation and Natural Resources shall be the single state agency to receive and administer any federal grants for implementing the management program of the Upper Delaware Federal Scenic River.

b. The Department of Conservation and Natural Resources, Division of Greenways and Conservation Partnership, shall provide technical advice and assistance in the administration of this program, coordinate its activities with other agencies involved in the program, and act as a forum for conflict resolution among agencies in connection with their responsibilities under this order.

c. To the maximum extent permitted by law, all administrative departments, independent administrative boards and commissions, and other state agencies shall act consistently with the goals, policies, and objectives of the Upper Delaware Scenic River Management Plan and provide for adequate consideration of the national interest involved in planning for and siting of facilities and the use of resources in the Upper Delaware Scenic River corridor when such planning, siting, and uses are of more than local interest.

d. Each administrative department, independent administrative board and commission, and other state agencies shall notify the Department of Conservation and Natural Resources, Division of Greenways and Conservation Partnership, of any and all proposed activities having an affect upon Delaware River resources.

e. Conflicts among fiscal, development, service or regulatory activities of state agencies which have a direct and significant impact on the Upper Delaware River resources and cannot be resolved through available administrative mechanisms shall be resolved by the Governor.

4. Force and Effect. This *Executive Order* shall remain in full force and effect as long as the Upper Delaware Scenic River Management Plan is in effect.

5. Rescission. *Executive Order 1989-2* is hereby rescinded.