

NOI Full Text

Recipient Responsibilities

1. Review, coordinate, and provide direction for all aspects of plan implementation. On an annual basis, the UDC will submit a consolidated annual work plan representing the proposed specific activities of the Council and UDC Committees that is consistent with the functions and management responsibilities described in the statement of work, to be mutually agreed upon prior to obligation of annual funds.

2. Review all relevant local plans, laws, and ordinances for the purpose of recommending to the Secretary whether such local plans, laws, and ordinances

substantially conform to the River Management Plan. There are five parts to this review process: (a) The determination of substantial conformance, (b) The review of ordinance amendments, (c) The review of significant projects, (d) The review of challenges and variances, and (e) The review of enforcement programs (see #4 below).

3. Provide recommendations to the National Park Service for the purpose of making a final determination regarding whether local plans, laws, and ordinances, ordinance amendments, challenges and variances, and significant projects substantially conform to the Land and Water Use Guidelines and River Management Plan. Recommendations will include town and township compliance, noncompliance, or compliance with modifications recommended by the UDC. Recommendations as provided for in the River Management Plan will also be provided to the National Park Service regarding enforcement if the Council finds that a substantially conforming ordinance(s) is not being adequately enforced and is unable to effectively resolve the problem.

4. Make an annual review of the adequacy of each town's enforcement program within the river corridor area, by examining building permits issued, variances granted, and any patterns of ordinances, amendments or project approvals which may have a bearing on the purposes for which the Upper Delaware was designated a Scenic and Recreational River. Most importantly, the Council will examine the pattern of actual land use changes which have occurred as compared to the Land and Water Use Guidelines and the towns' ordinances, subject to the availability of funding.

5. If the Council finds that a substantially conforming ordinance(s) is not being adequately enforced, it shall notify the town and make appropriate recommendations for correction of the problems which have occurred. It shall also offer to provide the town such legal and technical assistance as may be required to effectively resolve the problem. No later than six months following any such notification (but not before the town has had sufficient opportunity to respond), the Council shall make a follow-up evaluation to ascertain if the situation has been corrected.

6. Maintain all permanent and current records of the plan including development approvals, letters of interpretation, meeting records, transcripts, minutes, substantial conformance and project review documentation, and other information related to plan preparation and implementation.

7. Provide Technical Assistance Grants to UDC member municipalities, subject to the availability of funds, for the purposes described above in the Statement of Work.

NPS Responsibilities

1. Monitor and provide Federal oversight of activities performed under this Agreement. Monitoring and oversight includes review and approval of financial status and performance reports, payment requests, and tasks identified below. Additional monitoring activities may include site visits, conference calls, and other on-site and off-site monitoring activities. At the Recipient's request, NPS may also provide technical assistance to the Recipient in support of the objectives of this Agreement.
2. Participate actively in the discussions, deliberations, activities and proceedings of the Recipient.
3. Provision, at the Recipient's request, of technical assistance to the states, the counties, and the towns to enable them to develop and implement programs compatible with the management plan.
4. Consider the recommendations of the Recipient in management of lands, structures, and property owned and/or leased by the National Park Service, and administration of its other management responsibilities, in a manner consistent with the Special Provisions for the Upper Delaware and the Wild and Scenic Rivers Act.
5. Identify, in consultation and cooperation with other Council members, any project which would be, or has the potential to be, a clear and direct threat to valley resources or which, if approved by town government, would mean that the town would not be enforcing its laws, plans, and ordinances consistent with the plan and guidelines.
6. Provide final determinations of substantial conformance of local plans, laws, ordinances, ordinance amendments, challenges and variances, and significant projects with the Land and Water Guidelines and River Management Plan taking into consideration the recommendations of the UDC.
7. Work closely with the UDC to resolve issues associated with enforcement of local plans, laws, and ordinances if the Council finds that a substantially conforming ordinance(s) is not being adequately enforced.
8. Assume responsibility for key decisions in Section 704 (e)(1-4) of Public Law 95-625 for towns/townships that elect to not participate as members of the UDC.
9. Submit an annual work plan to the UDC for review and recommendations.