



September 1, 2023

Town of Highland Planning Board
Town of Highland Supervisors
Town Hall
4 Proctor Road
Eldred, NY 12732

Dear Town of Highland Planning Board and Supervisors,

The aggressive, overbearing, abusive, bullying and misleading letter sent by Northgate-FIMFO to Norman Sutherland as Chair of the Town of Highland Planning Board was clearly designed to obfuscate the facts and to intimidate the Town of Highland into issuing a decision harmful to the Delaware River, the River Corridor, our communities, and the Town of Highland, solely for the purpose of feeding Northgate-FIMFO's private money-making goals. That it would crown its false accusations and intimidation tactics with loosely veiled racist, antisemitic remarks confirms the inappropriateness of the August 16, 2023 letter and warrants the Town giving this letter no credence.

The National Park Service has an essential role in ensuring the Upper Delaware River Management Plan is fully, fairly and accurately implemented to serve all the interests of the Upper Delaware River Wild & Scenic corridor, and all the interests that secured this most important, and protective, designation and came together to craft a River Management Plan to protect and serve all of the communities who value and benefit from our beautiful Delaware River.

The River Management Plan is clear in its focus – to protect the River corridor through shared authority and responsibility. While the Upper Delaware Council and its member municipalities have an important role in making recommendations regarding the conformance of local laws, plans and ordinances with the River Management Plan and Land and Water Use Guidelines, the National Park Service is not bound to follow those recommendations which fail to comply with the River Management Plan; in fact, the National Park Service may not render decisions or take actions that are inconsistent with the Plan. It is fundamentally wrong – and deliberately deceptive -- to suggest that the National Park Service has no meaningful or independent role other than to serve the town government entities, economic development of the corridor, or the interests of private property owners.

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For Northgate–FIMFO, a mere interloper and carpetbagger into our River corridor, to suggest it is more capable of interpreting the River Management Plan than the National Park Service, and to interpret it in a way that only serves its private profit goals to the sacrifice and detriment of the River corridor and its communities, is – quite frankly – laughable.

The National Park Service’s June 26, 2023 Substantial Conformance Review of the Camp FIMFO project is legally and factually solid and sound. By contrast, the August 16, 2023 Northgate–FIMFO letter is filled with accusations, misrepresentations, racist and antisemitic innuendo, and divisively political and accusatory rhetoric.

The fearmongering, and politically motivated, reference to eminent domain authority postured by Northgate-FIMFO is baseless. So too is the thinly veiled racist and antisemitic attack suggesting that religious use of the site would render it “worthless” to the community, harmful to the River corridor and exempt from any meaningful regulation that would ensure essential protections for our River and communities.

Mischaracterizing the development, infrastructure, and intensive land-use proposed by Northgate–FIMFO as being less harmful than the current campground use is, quite simply, wrong. And, if in fact, Northgate-FIMFO was concerned about the environment and community impacts of the current site use, there is nothing that prevents it from proposing a project which conforms with the River Management Plan and the Town of Highland Code, and reduces the existing land use impacts of the site, including through (as Northgate–FIMFO says) implementation of “modern environmental standards or green technology” with regards to stormwater, wastewater, and utilities. But what Northgate-FIMFO is currently proposing, is a significant transformation of the landscape, the site, and the site use in a way that is dramatically altering, impactful and harmful.

It is also, quite simply, a lie to suggest the National Park Service has sought to avoid public presentation and/or a meeting with the UDC, the Town and Northgate–FIMFO to discuss the violations of the River Management Plan and its implementing Guidelines. To the contrary, the National Park Service has presented publicly and opened its presentation to public comment and questioning; it has committed to writing, and publicized, its determination with great detail and very publicly did offer to meet with the Upper Delaware Council, Northgate–FIMFO and the Town of Highland. To misrepresent the clear reality of the facts demonstrates that Northgate–FIMFO is only interested in securing its desired approvals in an at-all-costs strategy regardless of the harm.

As stated in the River Management Plan Executive Summary: “The Wild and Scenic Rivers Act states that the river must be protected in its free-flowing condition and that it must be managed for the benefit and enjoyment of present and future generations.” The government parties coordinated the preparation of the plan to “conserve, protect, maintain and enhance the river corridor’s unique resource values and social and economic vitality.” While it does stipulate to an agreement between multiple levels of government that includes the role of the National Park Service when the towns and townships fulfill their agreed upon responsibilities (which may be in question with regards to the Town of Highland and the FIMFO project) the plan also acknowledges, “... the River Management Plan does not supersede the law, nor transfer or delegate the legal responsibilities of the Secretary of the Interior....” And so, despite Northgate–FIMFO’s attempt to rewrite the law and the history of the River Management Plan, it was written by and for the

governments, people and communities of our region, with a healthy respect for the role of the National Park Service in ensuring our River was equitably protected for all the people of our region; and the reassurance that the National Park Service could and would help ensure that industry and self-serving developers like Northgate–FIMFO would not be able to exert undue influence to benefit their own private profit goals and advance undesirable projects that would inflict irreparable harm and generational harm on our River and communities.

The Delaware Riverkeeper Network is prepared to challenge illegal and unsupportable local government action approving Northgate–FIMFO’s proposed damaging project. By the same token, we are also prepared and preparing to support good government action that defends our River, our communities, the River Management Plan, and the rule of law.

The Town of Highland should not succumb to the threats and bullying of Northgate–FIMFO as most recently represented by its August 16, 2023 letter. Instead, you should stand to defend the rule of law, the Town of Highland, and the Delaware River that is so important to the health, safety, quality of life, and economic vitality of the Town, our communities, our region, and both present and future generations.

Respectfully,

A handwritten signature in blue ink that reads "Maya K. van Rossum".

Maya K. van Rossum
the Delaware Riverkeeper

cc: Superintendent, Upper Delaware Scenic and Recreational River