

Edmund O. Luthy,
2419 Ohio Avenue,
Cincinnati, Ohio.

December 22d 1937.

Mr. Henry D. Rodgers,
c/o The Albany Savings Bank,
Albany, New York.

Dear Mr. Rodgers:-

Owing to some dental trouble, I have been recently having. I regret the delay in answering your letter of Dec. 2d with two copies of the opinion of the Attorney General on rebuilding the dam at Eagle Lake.

Yesterday I received your letter of Dec. 18th with copies of Mr. Howard's reply to your letter of Dec. 1st and the form of release required for rebuilding the old dam. I have copies of all this correspondence to Mr. Sheldon Wigger and will be sending him the letter and as a Committee member I will determine what part shall be done. Meanwhile, if you desire, you may refer to my comments on the releases and I will forward to Mr. Wigger a copy of which I also forwarded to Mr. Wigger.

Mr. Edmund O. Luthy
2419 Ohio Avenue
Cincinnati, Ohio

As you know, the Association is in contact with the Conservation Department from 40 shoreland owners of lands bordering on the shore of Eagle Lake acquiescing in the rebuilding of a gravity dam at the outlet of this lake in order to stabilize the water level of said lake to an agreed height and requesting the Conservation Department of the State of New York to construct the dam.

Dear Mr. Luthy:-

You will remember I have your letter of the 22nd and thank you for writing me so fully about the situation at the dam. I will go over it and if I have any comments to offer I will write you further. It would take another year or more if they all would agree to the stipulations, restrictions and releases imposed in the release demanded.

Yours sincerely,

I venture to predict that the restrictions and releases are too great for us to again get unanimous consent as we have in our previously signed agreements.

HDR/B

The primary purpose for requesting the reconstruction of the old dam was for the protection of the fish and the restoration of the spawning beds by raising the water level of Eagle Lake to a stage desirable to all the shoreland owners which passed instruments to the State in 1933 or 1934 by Messrs. Newton & Ferris who at that time had purchased the tract of land on which the dam was erected.

We feel that the Conservation Department should be chiefly and particularly interested in restoring this dam in line with their program of conservation of fish and we believe this restoration would be a definite benefit to the State property in this Forest Preserve, known as the Adirondack Park in Essex County, New York, especially as the State has several tracts of shoreland on this lake. It was on this account that the Eagle Lake Property Owners' Association together with the other shoreland owners who are not members of this Association have unanimously agreed to the restoration of the dam at the outlet of Eagle Lake.

As to our comments upon the stipulations, restrictions and releases in the releases which are required:-