

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 sent copies of all this correspondence to Mr. Sheldon Wickes who with Mr. Spalding will review the letters and as a Committee with you can determine what next shall be done. Meanwhile, if you desire to reply to Mr. Howard regarding our comments on the release you might quote the following a copy of which I also forwarded to Mr. Wickes.

Copy to Mr. Wickes. This whole matter seems to me to take on a complicated aspect considering the restrictions imposed in the releases asked.

As you know, our Association is in possession of signed agreements from 40 shoreland owners of lands bordering on the shores of Eagle Lake acquiescing in the rebuilding of a proper spillway 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 this dam.

You will remember it required nearly two years to secure all these signed agreements, due to the difficulty in locating several owners who had moved from their old addresses. I fear if we must again secure signatures for the release submitted by the Conservation Department it would take another year or more to get them, even if they all would agree to the stipulations, restrictions and guarantees imposed in the release demanded.

I venture to predict that the restrictions imposed are too great for us to again get unanimous consents which we now have in our previously signed agreements.

The primary purpose for requesting the restoration of the old dam was for the protection of the fish and for the restoration of the spawning beds by raising the water level of Eagle Lake to a stage agreeable to all the shoreland owners, which became detrimental to the fishing conditions when the dam was "pulled out" in 1903 or 1914 by Mess. 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 distinct benefit to the State property in this Forest Preserve, known as the Adirondack Park in Essex County, New York, especially as the State owns 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.

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

In the first paragraph of the release--the latter dam mentioned as going out about 1913 to 1914, resulting in dropping the water-level of the lake to the detriment of the State lands as well as to the private lands around the lake" was deliberately "pulled out" by Messrs. Newton & Ferris of Ticonderoga, N.Y. who at that time had bought the tract in which the dam was located, then removed all the pulp-wood from this tract and subsequently sold the tract to the State.

It being the function of the Conservation Department to protect the fish and game in the inland waters of the State, especially as several ~~of~~ tracts of shoreland were held at that time by the Conservation Commission as State land, we contend that the Conservation Department should have at that time compelled Newton & Ferris to restore the dam and prevent the detriment caused by their overt act.

Inasmuch as the State of New York has taken title in 1928 to the land on which said dam referred to was built and as the State possesses other tracts on the shoreline of Eagle Lake besides, and as the entire area of Eagle Lake and its surroundings are a part of the State Forest Preserves--known as the Adirondack Park in Essex County, New York, and since the expressed opinion of the Conservation Department is "that the restoration of this dam will be a distinct benefit to the property of the State of New York as well as to the private land-owners we feel that the State should rebuild this dam and maintain it since the dam is located on the State's land.

In view of the fact that the Conservation Department has constructed a dam at Put's Pond, it seems reasonable to expect that the dam at Eagle Lake should be restored by ten and may, with the aid of workers from the C.C.C. camps be constructed under reasonable expense.

Regarding the Conservation Department's demand for a release necessitated by the building, re-building and maintainance of the dam at Eagle Lake to protect the State from damages arising in flooding private property, it seems that the stage of level for the dam, agreed upon by the shoreland owners is such as would not affect their private lands.

In summing up, the Eagle Lake Property Owners' Association, per se, could supply from its fund up to \$200.00 toward the payment of the material needed for rebuilding this spillway-dam, provided the Conservation Department will undertake the reconstruction.

We would be pleased to hear further from the Conservation Department whether our suggestions would meet with their approval.

Mr. Rodgers:- I have sent copies of the above to Mr. Wickes and trust that our Committee on the Eagle Lake dam may be able to contact the Conservation Department with a view to meeting our request so that the matter can be brought up at the next meeting of our Association.

I asked Mr. Wickes to communicate with you, in line with your offer of cooperation, in the event he wanted you to see or communicate with Mr. Howard.

Wishing you and your family a very merry Christmas and a glad, happy New year, I am,

Sincerely yours,

Edmund J. Leahy