Can’t Wait to “Celebrate ’98!”

A new year always brings fresh reasons to celebrate, but the advent of 1998 in the Upper Delaware River Valley offers an exceptional opportunity to pay homage to local history.

Important events that helped shape the Upper Delaware and its way of life lay the foundation for “Celebrate ’98,” an initiative led by the National Park Service (NPS) with assistance from the Upper Delaware Council (UDC), Upper Delaware Citizens Advisory Council (CAC), and Upper Delaware Heritage Alliance (UDHA).

Milestones this year include the:

- 20th Anniversary of the Congressional Designation of the Upper Delaware Scenic and Recreational River
- 30th Anniversary of the National Wild and Scenic Rivers Act
- 100th Anniversary of the Closing of the Delaware & Hudson (D&H) Canal
- 150th Anniversary of the Construction of Roebling’s Delaware Aqueduct
- 150th Anniversary of the Completion of Erie Railroad’s Delaware Division

That's a lot to celebrate, and the NPS planning team has been meeting since last February to prepare an ambitious schedule of observances.

The proper pomp is also reserved for a host of community-level celebrations. No less than eight regional municipalities will celebrate their Bicentennials in 1998.

Events for the Upper Delaware anniversaries are beginning to firm up as well. The first tangible evidence is the arrival of 10,000 “Upper Delaware Scenic & Recreational River 20th Anniversary” gold and blue seals that will grace all the...
UDC Representative Profile: Lewis J. Schmalzle

"If you’re going to do the job, you do it right."

When it comes to the Upper Delaware Council, Lewis J. Schmalzle stands firmly behind his motto of wholehearted service expressed above.

"Lew," as he is known to his friends, is a man who does not get idle involved in matters that interest him. Even in what is largely a volunteer role, Lew takes his job as the Town of Highland’s UDC representative very seriously.

Mention any UDC committee, meeting or special project, and chances are Lew is on it, at it, or wants to hear about it.

While Lew has only been Highland’s representative since 1994, he has made the most out of that relatively short time.

In fact, as he was accepting the Oaken Gavel Award in recognition of his 1996 tenure as chairman at the Council’s 1997 Annual Awards Banquet April 6, Lew casually mentioned that he had tallied up 104 meetings that year alone on the UDC’s behalf.

In addition to his year at the helm of the Council in ’96, Lew has chaired the Project Review Committee annually since 1994, serves on the Operations and Water Use/Resource Management Committees, chairs the three-member Personnel Subcommittee, and participates on three other subcommittees that oversee the UDC’s interaction with government officials, revision of its Visitor Information Map and Guide, and building projects.

The Barryville resident traces his involvement with Upper Delaware issues back a quarter-century. He was an active member of the Conference of Upper Delaware Townships which fought federal land condemnation threats and helped write the Upper Delaware Scenic & Recreational River Management Plan.

Lew has a simple explanation for what motivates all his hard work: "I just want to see that the river and private property rights are protected."

The Upper Delaware River Valley has been Lew’s home since he was born in Shohola, Pa. 75 years ago and moved with his new bride, Clara, a short distance across the river to Barryville, NY in 1947.

After attending Shohola Elementary and graduating from Eldred High School in 1941, Lew signed on with the Erie Railroad, doing carpentry work along the Delaware Division line, until he was drafted into the service. During his 18-month Air Force stint, Lew attained the rank of corporal and served with aircraft refueling units at domestic bases in Texas, Delaware and Massachusetts.

Settling back home, Lew and Clara became poultry farmers, caring for 10,000 chickens at the height of their success. They happily subsisted for 15 years until the difficult market forced them to abandon farming.

Lew and Clara did what they had to do to support their family. She went back to teaching; he worked variously for the Town of Highland Highway Department, a vending machine company, sold life insurance, and returned to the railroad, this time for 13 years for the Erie-Lackawanna Railroad Company, before retiring as an engineer at the age of 62.

Lew now has more time to enjoy his hobbies.

"I like to hunt, to fish and to travel, and my buddy for hunting, fishing and traveling is my wife," he says, citing the togetherness that has characterized his marriage of 52 years.

Family is another strong theme for Lew. He and Clara are the parents of three: Sharon Barnes, a third-grade teacher who lives in Prospect Harbor, ME; Virginia Dudko of Sparrowbush, who teaches kindergarten at Eldred; and Donald Schmalzle of Ellenville, a civil engineer with a firm in Central Valley. They dote on four grandchildren.

A 15-year veteran of the Town of Highland Planning Board (10 years as chair), Lew now counts membership with the Yulan Rod and Gun Club, Barryville United Methodist Church, Fraternal Order of Masons, Chapter 328, Port Jervis; and Order of the Eastern Star, River Valley Chapter 33, among his interests beyond his service to the Upper Delaware Council.

Lewis J. Schmalzle, Town of Highland, NY
NY State Case Law Favors Riparian Landowners

By George Frosch,
UDC Representative, Town of Hancock

While Royal Patents more than 200 years old establish the legal foundation for private property ownership along the Delaware River, conflicts that flare up today over public use of the river have a decidedly more modern basis.

Early on, in the 1950's and before, no one minded when fishermen dropped a line and the occasional canoeist paddled through property boundaries that extended beyond the shore into the river. Most often local neighbors, they respected their surroundings and caused little trouble.

Then came the construction of the New York City reservoirs in the Delaware watershed. The new ability to control water releases brought about the advent of commercial canoe liversies, which significantly increased traffic on the river. It only added to the situation when officials from the New York State Department of Environmental Conservation encouraged the public to fish and camp along the banks of the Upper Delaware River.

Property owners were overwhelmed. Burglary incidents increased, scenic lawns were turned into illegal campgrounds, and the locals were forced to deal with garbage they didn't make.

In 1978, Congress designated the Upper Delaware as a Wild and Scenic River after local residents spent years fighting controversial proposals for a federal takeover of this land. Later, when the National Park Service arrived on the scene, order was restored with the implementation of the locally developed and coordinated River Management Plan, yet the river banks were still misused. Many riparian landowners today aren't able to enjoy their property as much because of the extra vigilance needed to protect their legal rights and guard against overuse of the resource.

It was with this background that the Upper Delaware Council, which represents the local people, began to research the origins of private property ownership in this region, and the factual results leave little to interpretation.

New York State is one of the few states in this country to follow traditional English common-law rule. Under that rule, legal presumption of land ownership along and under the Delaware River from Hancock to Port Jervis, NY favors the riparian landowner. Also under English common-law rule, unless expressly stated, the grants of lands on non-tidal streams (such as the Delaware River) are presumed to run to the center of the stream.

Therefore, under English common-law rule which was adopted by the State of New York, the bed and banks of the Delaware River belong to the upland owner and the State has no sovereign interest. New York's Office of General Services supported this position in a June 6, 1996 letter to the UDC.

In the Upper Delaware River Valley, most of the land in New York bordering the river was conveyed by two Royal Grants: the Hardenburgh Patent and the Minisink Patent. These Patents, which pre-date the New York State Constitution, were confirmed, or recognized, by the state in 1777.

While the water in the Delaware River is considered to be a Public Highway, the land bordering the river, and the riverbed itself, are presumed to be private property, unless specifically stated otherwise in a particular deed of title.

The State of New York has never exercised its power of eminent domain to claim ownership of the riverbed or the banks and, based on its own commissioned study - The Pace Environmental Law Review - has no legal basis for a claim of bank ownership. Cases cited by the State as supporting their position of ownership of the streambed and the banks were limited specifically to the Mohawk and Hudson Rivers (Dutch Grants) by the Court of Appeals and upheld by later legal decisions.

The public's right of navigation or passage on the river is protected by the federal navigation laws. These laws, upheld by the courts of the State of New York, give the public the right to travel the river "for the purposes of transporting the products of Forest, Field or Mines," while the right to use the waters of the river, and its banks, is for navigational purposes only. The right to fish was not conveyed with the right to navigate, as stated in the 1935 New York Attorney General's opinion to the State Legislature that has served as the basis for subsequent fishing rights acquisition programs and many Bond Act activities.

Recreational uses of the streambed and the banks must be limited to navigational purposes, since ownership of the banks and the streambed is presumed to be in the hands of the uppblind riparian owner unless the State can prove otherwise.

This means that, while the public has the right to travel New York waters of the Delaware River in a boat, and to get out of the boat to scout rapids or portage around obstacles, they do not have the right to get out of the boat to wade in the water and fish, nor do they have the right to go on the bank to eat, camp, or rest (except in the case of an emergency) unless they do so on land that the State has shown to be public property. And again, under the English common-law rule adopted by the State of New York, the onus is on the State to research and prove its claim.

With the sunlight creating checkerboard patterns through the trees of the Damascus Forest, a stone monument in tribute to the late Larue Elmore was dedicated Oct. 17, 1997. The plaque makes note of Mr. Elmore's "years of dedication towards the conservation of our natural resources, 1911-1997." On hand for the ceremony were Larue's wife, Gertrude, and children, Joan and Dave, pictured above, as well as officials from many entities to which the former Damascus School principal donated his talents, including the Upper Delaware Council, Citizens Advisory Council, National Park Service, NE PA Audubon Society, Wayne Conservation District, Pocono Northeast Resource Conservation and Development, Damascus Township, its Planning Commission and Wayne County, Pa. The memorial features a landscaped area with log benches at the forest entrance. (Ramie photo)
Live Eagle Capture Renews Devotion to Protection

By Lori Danuff McKean,
Director of Resource Conservation
Audubon Society of New York (ASNY)
Delaware Valley Regional Office

Morning has a way of announcing itself boldly - albeit without any sound - when you're sitting atop a mountain with nothing around you but ice and sky. I was fortunate to experience this daily trumpeting of dawn recently when I went on an eagle capture expedition deep in the heart of wintering habitat in Sullivan County, NY. I was promised an experience I would never forget. I was given that... and more.

Every winter, biologists from the state Department of Environmental Conservation capture live eagles around New York in an attempt to track their migration and check on their general health. On this particular morning, I was invited to join Peter Nye, head of the Endangered Species Unit of the DEC, and his research assistant Steve Lawrence at a remote reservoir in the Upper Delaware watershed to try our luck at capturing an eagle. This particular reservoir is part of the Upper Delaware watershed, which provides a winter haven for about 100 bald eagles.

For the past five years as a Director of Resource Conservation for ASNY, I have been monitoring bald eagle activity and providing outreach and education programs in the Upper Delaware and Lower Hudson regions of the state. I have seen hundreds of eagles flying, soaring, perching, eating, playing, bathing and staring right back at me and my spotting scope. I have watched adult eagles build their nests and feed their young. I have even heard them talk to each other. But I never once imagined that I would touch or hold one of these majestic creatures!

So, how do you catch a live eagle? Veeeeery carefully! The first rule is that you must have everything set up before the eagles come out for their morning feed - which means navigating in the cold dark with headlights and flashlights. Steve and Pete are a team, working well together and saying little as they unload the truck and haul equipment across the ice to a good capture location. I wanted to fully experience this whole event, so I volunteered to drag an equipment-laden sled to the chosen spot. I didn't quite realize the "equipment" included a dead deer, which was going to be used to bait the birds!

A three-sided wooden box is placed on the ice with the open end facing the deer carcass. A large net is packed into the box with its ends attached to heavy canister-shaped rockets, which will be detonated by a 12-volt battery. The box is strategically lined up so that when the rockets are fired, the net should fly right over the carcass and the unsuspecting eagle. With the set-up complete, we climbed back in the truck and drove to a spot where we could watch. And wait.

We didn't have to wait long. Night's pitch black sky had lightened and the vast horizon that lay out before us was beginning to blaze a bold orange. Whatever daily rituals occur in the natural world without human witness were about to occur on this day as well, including the arrival of an eagle looking for breakfast.

Steve spotted it first, soaring high above the tree line, scanning the familiar territory below with her binocular vision. She discovered the deer carcass and circled for some time before perching in a nearby tree. She studied the carcass and surrounding landscape for some time before she decided she was safe and flew down to start her morning feast.

We watched quietly. After a suitable amount of time - long enough for her to be sated but before she was satisfied enough to fly off - Pete gave the cue to fire the rockets. Steve worked the controls and - boom! - the net went flying over the eagle. And then we went flying - speed was critical so that the eagle could be removed from the net before it is harmed trying to free itself. I was surprised at how little she moved as we began untangling her from the net. Her strong talons were tightly gripping the rope and we painstakingly untangled each one, careful not to let her transfer the grip to one of our fingers. We freed one leg and I held it at a safe distance as Pete untangled the other. Then we very slowly and meticulously freed her wings and body from the net, all the while making sure we didn't let loose those powerful...
Learn Eagle Etiquette Before Viewing

The Audubon Society of New York State, Inc. (ASNY) is concerned that many of the people visiting the region’s bald eagle wintering habitat arrive with little or no knowledge about how to safely and properly view the birds.

From January to March, ASNY staff and volunteers will randomly interview eagle watchers at Sullivan County reservoirs and along the Upper Delaware River as part of a comprehensive monitoring project initiated last winter under the coordination of the NYS DEC and with partial funding from an Orange & Rockland Utilities grant.

After being trained in proper eagle viewing “etiquette,” volunteer monitors assist eagle watchers to spot the birds in the most non-intrusive manner. Disturbances such as people milling about, car doors slamming, and loud radios can frighten eagles into flight, causing them to expend energy they might otherwise use for survival during harsh winter weather.

Last winter, information collected largely on weekends at four strategic locations - Mongaup Falls Reservoir; Rio Reservoir; the Upper Delaware River from Pond Eddy to Minisink Ford (Sullivan County, NY); and the Lackawaxen River in Pike County, Pa. - revealed that:

- 46% of those interviewed either lived in the area, were repeat visitors, had local friends or relatives, heard about the eagles from word of mouth, or were just driving by the viewing sites;
- 31% had responded to publicity reports from the media and Internet;
- 22% belonged to environmental groups

or were given information about bald eagle viewing by a government or tourism agency;

- the breakdown of residential backgrounds: 25% NYS; 22% PA; 17% NJ; 16% Metropolitan NYC; 20% other.

See Eagles In Habitat

Experienced guides from the NY Audubon Delaware Valley Regional office will offer two public excursions to see bald eagles in their natural habitat.

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Peace of Me

The great bald eagle sits atop its wise pine tree. Graceful and powerful, the eagle dominates the sky above the river. The eagle loves the river and has a true relationship with the river - it respects it.

Eventually all things merge into one, one being, one whole. The river is the source, salvation and almighty. It is simply complex and therefore loved by all, while only understood by one.

The river is cold.

By Joshua Boyar, 18
Eldred, NY
NE PA Awards Fete Environmental Partnerships

From beginning to end, the 7th Annual "Evening for Northeast Pennsylvania's Environment" remained true to its theme of promoting partnerships.

First, it took the efforts of a five-member coalition to organize the event: the Pennsylvania Environmental Council, Wilkes University, Economic Development Council of NE PA, World Future Society's NE PA Chapter, and the Lackawanna River Corridor Association. At the top of the distinguished keynote speaker's list as he discussed the global need to maintain the ecological integrity of the world around us.

"This event represents exactly the future of the environmental movement," said John Sawhill, president and CEO of The Nature Conservancy, as he addressed the audience of 350 gathered at the Woodlands Inn in Wilkes-Barre October 9.

The evening began with a cocktail reception chaired by David Lamereaux, assistant director of the PA Department of Environmental Protection's Northeast Regional Office and the Commonwealth's alternate representative to the Upper Delaware Council.

Highlights included Mr. Sawhill's appearance during dinner and the presentation of nine 1997 Environmental Partnership Awards, as well as the Third Annual Thomas P. Shelburne Environmental Leadership Award.

John Padalino, president of the Pocono Environmental Education Center (PEEC), Dingmans Ferry, was given the coveted Shelburne Award for his long-term commitment to environmental quality and inspirational leadership.

For the past 25 years, Padalino has helped develop and nurture the innovative programs that have made PEEC, working with the National Park Service, the largest residential center in the western hemisphere for environmental education.

The Environmental Partnership Awards, (one of which the UDC took home in 1994), were presented to:

- Bernard J. McGuri III, executive director of the Lackawanna River Corridor Association and board member of the Rail-Trail Council of Northeast PA;
- William W. Reid, Wyoming County Commissioner, ornithologist and activist;
- Huntsville Golf Club, for gaining certification through the Audubon Cooperative Sanctuary Program for Golf Courses and receiving the 1997 Mid-Atlantic Regional Environmental Steward Award from the Golf Course Superintendents Association of America;
- Jerry Morgan and Karen Wargo, teachers in the Tunkhannock Area Middle School, who for the past 17 years have coordinated Environmental Days there;
- Lackawanna Heritage Trail Restoration Project, a 40-mile urban restoration effort that will cross 19 communities and three counties;
- Ed Wytovich, environmental science teacher in Schuylkill County active in watershed protection and acid mine reclamation;
- Dr. Larry Rymon, coordinator of East Stroudsburg University's Environmental Studies Program and friend to ospreys;
- Tobyhanna Creek/Tunkhannock Creek Watershed Association, an effective force for conservation in the Western Poconos region.

John Sawhill brought his impressive credentials and an inspirational message to the "Evening for Northeast Pennsylvania's Environment."

The Nature Conservancy, an international organization with 900,000 members, owns and manages the largest private system of nature preserves in the world. It is committed to the preservation of threatened ecosystems and wildlife habitat.

Past president of New York University, Mr. Sawhill served as Deputy Secretary of the Department of Energy under President Carter. During the Nixon and Ford administrations, he led the Federal Energy Administration. The Washington, D.C. resident serves on a number of nonprofit boards and is a Senior Lecturer at Harvard Business School.

Mr. Sawhill lauded the power of partnerships to overcome the world's serious ecological perils. He cautioned against the tendency of some environmental advocates to spout doom and gloom rhetoric without looking for collective solutions.

"It's often said that environmentalists are professional pessimists," he said, prompting an appreciative laugh from the audience, but he added that hope exists.

"We can accomplish so much when we join together," Mr. Sawhill noted.

The first step is reaching consensus on what threats exist to the environment. Making The Nature Conservancy's hot topics list are pollution of air and water, toxic waste, landfills, oil spills, and loss of biodiversity and wildlife habitat due to urban sprawl and other factors.

Much of the solution relies on willpower of people to balance their activities with nature's needs, Mr. Sawhill suggested.

In formulating a strategy to deal with these worldwide issues, the speaker said that more public-private conservation partnerships should be developed. He also advocated offering economic incentives to promote sound land management practices. Thirdly, Mr. Sawhill sees the need for a new conservation ethic which recognizes the close connection between environmental and human health.

Schoolhouses Still Stand

In response to an article in the Fall 1997 issue of The Upper Delaware on the Upper Delaware Heritage Alliance's 16th Annual Awards Dinner, reader Donna J. Bennett wrote in to share that there are at least eight one-room schoolhouses existing in Wayne County, Pa.

Her list includes four sites on Rt. 191, two on Rt. 371, one in Milanville, and another on Rt. 670. The county is restoring the Bethel School in Berlin Township.
UDC Visitor Information Guide
To Be Re-printed for Spring ’98

By April, the Upper Delaware Council intends to have 25,000 copies of a revised "Visitor Information Map and Guide for the Upper Delaware Scenic and Recreational River" ready to begin distributing to the public.

This popular brochure, which debuted in 1989, went through its last major revision in 1993. A re-ordered supply of 5,000 copies from 1995 has dwindled to just a handful, prompting the UDC to take this opportunity to scout out needed updates.

In October 1997, the UDC’s Water Use/Resource Management Committee, in charge of overseeing this project, agreed to establish a Visitor Information Map and Guide Brochure Revision Subcommittee.

Active members of the Subcommittee include Charles Wieland (Tusten), Lew Schmalzle (Highland), Jack Niflot (Fremont), Phil Chase (Deerpark), George Frosch (Hancock), and Connie Lloyd (National Park Service), working in conjunction with UDC project leader Laurie Ramie, and contributing staff Bill Douglass and Dave Soete. Regular biweekly meetings have taken place since October 28 to discuss policy and review proposed drafts.

Revisions are being made to the brochure’s text, interior map and business listings.

A stronger message about private property ownership of the majority of land in the Upper Delaware river valley is being woven through the 12 panels of text, with updates made as necessary to information provided on the topics of recreation, sightseeing, boater safety, hunting, fishing, canoeing, emergency contacts, and agency references.

The 17 X 22-inch, detailed map of the Upper Delaware Scenic and Recreational River corridor, which extends from Mill Rift, Pa. to Hancock, NY, will reflect any developments that have occurred since 1993.

The comprehensive directory of river corridor businesses in four categories - Accommodations, Bait and Tackle, Canoe and Camping, and Restaurants/Food - has been subjected to particular scrutiny. Each of the 80 businesses currently listed in the brochure was asked to return confirmation letters by Dec. 15, with two press releases published or aired in 16 media outlets to reach any new businesses within the federally designated corridor boundaries.

New with the 1998 re-printing will be a category for licensed fishing guides. The UDC has also initiated a fundraising campaign targeting businesses that would like to contribute to this project with a voluntary donation. The donors will be recognized in the brochure and a future issue of The Upper Delaware.

For more information on this project, call the UDC office at (914) 252-3022. -LER

New Reservation System Kicks In at PA State Parks

The biggest change in several decades to Pennsylvania’s state parks is slated to begin January 31, when one phone call will get customers access to reservations for Pennsylvania’s 116 state parks.

The new system will feature a toll-free number, 1-888-PA-PARKS, answered by operators who can take statewide reservations on campsites, cabins, pavilions, and group tenting areas. The call center, which is located in Harrisburg, will also provide information and send literature about the entire park system.

Reservations may be made up to 11 months in advance and multiple requests are allowed. For the first time, customers may use VISA or MasterCard for payment.

Operators will be available from 7 a.m. to 5 p.m., Monday through Saturday.
It was all aboard for an old-fashioned steam train excursion as Chesapeake & Ohio Engine No. 614 chugged into Port Jervis, NY October 11 for the city's Annual Fall Foliage Festival. The 434-ton steam train, operated by Iron Horse Enterprises of Lebanon, NJ, made the 175-mile round-trip to raise funds for the New Jersey Railroad and Transportation Museum and introduce its 1,200 passengers to local attractions like the Erie Depot, Fort Decker, and Gillinder Glass Museum. Once in Port Jervis, the soot-faced locomotive engineers, pictured above, took advantage of the restored, electric Erie turntable before heading home following their afternoon of sightseeing and leisure. Engine No. 614 is believed to be the last passenger steam locomotive built in America. Future weekend passenger excursions to Port Jervis are expected. (Ramie photos)

"Celebrate '98," continued from Page 1

correspondence that the NPS and UDC send out this year.

Throughout January, the National Park Service Information Center on Main Street in Narrowsburg is featuring an exhibit for the public on "Celebrate '98".

Coordinated by the UDHA, two newsletters highlighting "Celebrate '98" activities will be published in February and May.

April 20-26, 1998 is the Annual National Park Week, when local school children will participate in poster and essay contests on Upper Delaware themes for prizes.

Student days at Roebling's Aqueduct will be held on May 26 and 27, and June 11 and 12, featuring exciting historical re-enactments and demonstrations.

The Upper Delaware will host the first two days of the 4th Annual Delaware River Sojourn on June 20 and 21, incorporating anniversary programs.

Summer festivals and off-site talks will offer the NPS and UDC a chance to further promote the anniversary calendar.

On Sept. 13, a public ceremony at Roebling's Delaware Aqueduct is planned with dignitaries, interpretive talks, walking tours, and a special postal cancellation.

The fall features a D & H Corridor trek from Carbondale to Kingston Oct. 9-12, and a D & H Symposium/Gala on Nov. 7 at the Best Western Hotel, Matamoras.

An Upper Delaware Scenic and Recreational River "Family Reunion" will take place on Nov. 10.

Watch this newsletter and surf the NPS web site at http://www.nps.gov/upde for more details on "Celebrate '98." -LER

The UDC meets on the first Thursday of every month at 7:30 p.m. at the Tusten Town Hall, Narrowsburg, NY. Committees meet on the third and fourth Tuesdays of every month at the UDC office, 211 Bridge Street, across from the Town Hall. All meetings are open to the public. Call (914) 252-3022 for details.