

The Upper Delaware

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Upper Delaware Council

Summer 1989

First Certificate of Compatibility Signed

The first certificate of compatibility protecting private property rights has been signed in the Upper Delaware river corridor.

The certificate, authorized in the Upper Delaware management plan, exempts 247 acres of undeveloped woodland owned by Roland and Louise Flora of Tusten from any federal acquisition that may occur due to a failure by local government to enforce its zoning ordinance.

The Floras are the first property owners in the United States to be protected by the certificate. Their property, now used for fishing, hunting and hiking, will remain exempt from acquisition as long as its current uses are maintained.

The certificate of compatibility is a voluntary program developed to provide protection for property owners wishing to manage their property in harmony with the river management plan, but who are fearful that the failure of local governments to participate in the Council leaves them in jeopardy of acquisition by the National Park Service.

The Floras live in one of seven towns along the river that have chosen not to participate in the Upper Delaware Council. Towns that do not enact and enforce zoning plans compatible with the river management



Roland and Louise Flora of Tusten became the first property owners in the nation to sign a certificate of compatibility with the National Park Service. Pictured left to right are NPS Resource Specialist Malcolm Ross, NPS Superintendent John Hutzky, Louise Flora, UDC Secretary Janice Fischer, Roland Flora, and UDC executive director Bill Douglass. Photograph by David Hulse.

plan, leave their river corridor properties potentially subject to acquisition at a rate of up to 100 acres per river mile.

In addition, the NPS has reserved the right to acquire an additional 1,300 acres in towns that choose not to participate in the Council.

The certificate does not constitute an encumbrance on the property deed, as would an easement. It is simply a voluntary agreement between the National Park Service and the property owner that guarantees that a property managed in harmony with the plan will not be subject to acquisition by the agency, even if the town in which the property is located fails to enact or enforce appropriate zoning ordinances.

Information about the certificate program can be obtained by contacting

NPS headquarters on River Road in Milanville, or by writing or calling the Superintendent's office: Superintendent, National Park Service, P. O. Box C, Narrowsburg, NY 12764, (717) 729-8251.

What's New?

UDC to sponsor major conference on instream flows in November. See page 4.

New feature on wildlife. This issue — bald eagles. See page 2.

New regular feature on river life. This issue — Lumberland. See page 6.

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River Wildlife

Eagle Habitat Acquisition Planned

For the past fifteen years a number of American Bald Eagles have been wintering along the Mongaup and Delaware Rivers. The New York State Department of Environmental Conservation wants to protect the areas the endangered birds use by acquiring up to 13,000 acres of eagle habitat in Sullivan County.

The parcel being considered for acquisition is owned by Clove Corporation, a subsidiary of Orange and Rockland Utilities. The land sprawls across five New York towns, including Lumberland and Highland. Some of the planned acquisition would be within the Upper Delaware corridor.

Most of those who attended recent public meetings expressed support for the eagles. However, some felt the state should have a plan in place for protecting the eagles before acquiring the land. This is because the eagles are extremely sensitive to human intrusion.



Wintering bald eagle in full plumage near the Delaware River. Photograph by Eugene Weinstein.

"The eagles are being protected right now by Orange and Rockland Utilities", says Tom Hill, Town of Lumberland Supervisor and representative to the Upper Delaware Council, "and that's because it's private land with restricted access. But, public acquisition could open it up to public use which, if it's not done right, could defeat our purpose of protecting the eagles."

"We want to make sure that the State will take the actions necessary to protect the birds. We want them to have a management plan in place and the resources to back it up, before they buy the land."

Possible sources of funds for such a management plan include New York State and the Upper Delaware Council, which awards grants for planning to participating governments.

Another concern is the loss of future development and tax revenues.

(See "Eagles" on back page)

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The Upper Delaware is the publication of the Upper Delaware Council, a non-profit organization of member governments from New York and Pennsylvania directly affected by the management plan for the Upper Delaware Scenic and Recreational River. *The Upper Delaware* is published quarterly by the Council from its offices in Narrowsburg, New York. Subscriptions are free. Contact the UDC for more information.

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Drought Disappears in Downpours

Drought Eased by Spring Rains

A drought warning in effect in the Delaware Basin since January was lifted in May, thanks to drenching spring rains that filled reservoirs and recharged groundwater supplies.

The rains, which began at the end of April and continued through much of May, raised the Cannonsville and Pepacton reservoir levels to 95% by May 23, near normal for the time of year. "May was really a saver", says Bob Everest, the UDC representative from the Delaware River Basin Commission (DRBC), "Nature really saved us. We were headed towards serious trouble."

The first stage of the drought warning was declared on January 16, following one of the driest Decembers on

record. At this stage of drought warning, voluntary water conservation measures are implemented and reservoir withdrawals to New York and New Jersey are cut back.

Minimum flow requirements at Montague, New Jersey, are also reduced. On February 5, a second stage drought warning was declared, resulting in further cut backs on reservoir draws and flow requirements at Montague.

During the period between January and April of 1989, rainfall above the Montague gauging station was 5.5 inches below normal for that period of time. For one day, reservoir levels dropped below the drought emergency line.

Had it remained there for five days, a drought emergency would have been declared, resulting in further cutbacks in withdrawals and mandatory conservation measures. But between May 1 and May 23, 7.6 inches of rain fell, nearly 4.6 inches above normal.

Although the storage situation has improved dramatically, nature can be fickle and the next drought can be right around the corner. "As the Reservoirs fill up, we have a good chance of making it through the summer without any major problems", says Gerald Hansler, Executive Director of the DRBC, "We have an even better chance if people conserve water, using only what they really need."

NY DEC Calls for Action By July

Closure Plan Ordered for Barnes Landfill

The Barnes Landfill has been ordered by the New York State Department of Environmental Conservation (DEC) to submit a closure plan for allegedly exceeding allowed disposal quantities and polluting ground and surface waters. The closure order arrives in the wake of continuing attacks on the facility by local residents, officials, and media. The facility, located near Minisink Ford in the Town of Highland, has been operating without a permit under a consent order since August of 1987.

Although landfills are listed as incompatible uses in the River Management Plan (RMP), and thus would not be allowed within the corridor, the Barnes Landfill site was in use prior to the RMP and is "grandfathered" in as an existing, non-conforming use.

Ownership of the landfill changed hands in late 1986. The new operator apparently expanded the business to include waste from areas of New Jersey, Connecticut, and the New

York metropolitan area. The exact volume of waste entering the facility is hard to verify. What is actually being dumped there is also a question asked by many.

The landfill is operated in old "fill and cover" method, with neither underlying liners nor a leachate collection and treatment system. Thus, the leachate (the liquid which percolates through and out of the garbage) may pollute the groundwater or it may seep out and contaminate surface water. There is evidence that both of these are occurring at the Barnes Landfill site.

The Council is concerned about this issue because of the potential immediate and long-term threats to the health, safety, and welfare of the citizens who live and work in the area and the thousands of visitors who travel to, and recreate in, the region.

The Council expressed these concerns in a strongly worded letter sent to DEC Commissioner Thomas C. Jorling. Commissioner Jorling was

requested to become personally involved and to insure that all provisions of the August 1987 consent order are enforced. Strict compliance by Barnes Landfill with the recent DEC enforcement order requiring the submission of a closure plan was urged. A memorandum was attached to the letter to provide detailed information in support of UDC's position.

It is hoped that a complete and environmentally sound closure plan can be approved and implemented as expeditiously as possible. Surface water runoff problems will need to be corrected. A rigorous groundwater monitoring program must be instituted. The owners and operators must be held responsible for all costs involved in the site closure, post-closure activities, and any remedial actions ordered by DEC.

Copies of the letter and memorandum may be obtained by contacting the UDC office.

UDC News

UDC Reviews Hazardous Materials Status

The UDC Resource Management Committee is continuing work on the subject of the transport of hazardous materials in the river corridor. The work is being done in conjunction with the hazardous materials risk assessment that is currently nearing completion.

This assessment is the first step in addressing the hazardous materials challenge. In the risk assessment report, the hazardous materials threats are analyzed for their potential impact and the likelihood of their occurrence. Then existing plans and training programs of likely emergency responders are studied

to see how well local and state teams are prepared to deal with the likely risks. Finally, recommendations are made for further planning, cooperation, and training to meet the needs discovered in the risk assessment.

The rural vistas and recreational activities in the corridor hide the fact that the Upper Delaware is also a transportation corridor. Both Conrail and New York Susquehanna and Western Railroads use the the river's parallel tracks for shipments. Although not a major interstate, NY Route 97 is also a source of concern due to its truck traffic

The Committee chose to take on this issue partly since the corridor contains so many overlapping jurisdictions. Training and communications systems developed for local use may or may not work across state lines. Yet many of the greatest problems that these responders may face would require close cooperation among governments.

River recreation also presents some unique challenges in emergencies. Notification and evacuation of boaters and fishermen in emergencies again would involve interstate cooperation.

Council to Sponsor Summer Picnic

The Upper Delaware Council will host it's second annual "Day of Fun" on August 26th. The picnic will be held at the Lackawaxen Township Firemens Field in Lackawaxen, PA.

Activities are scheduled to begin at 11:00 am with a float trip for those who wish to paddle the river. The trip will begin at the Ten Mile River access and culminate at the Lackawaxen access site. Canoes and rafts will be available, furnished by Wild and Scenic River Tours.

Transportation to and from the access sites will also be furnished. Those interested in a float trip must register in advance.

Tours of the historic Zane Grey House and the award-winning Roebling Bridge will be available throughout the day. UDC members, as well as local officials from river towns will be present to discuss issues concerning the management plan and the river corridor.

A picnic supper will be served at 5:00 pm. Valley residents, both full and part time, are invited to join in this day of fun on the River. You can make reservations by calling the UDC office during business hours at (914) 252-3022. Reservations for supper and/or a river trip must be made by August 15th. Supper will be prepared by a local catering service. A nominal charge will be made to defray this expense.

UDC to Host Flows Conference

Preparations are underway by the Upper Delaware Council to host a conference November 12-14 to address critical issues of water flow, quality and development throughout the entire Delaware River basin.

The conference, to be held at the Best Western in Matamoras, will be the Council's initial foray into Delaware River water politics, and Council members say it comes none too soon.

Recent drought conditions and increased demands placed on the entire Delaware basin have demonstrated the need to consider the complex issue of flow management within a basinwide perspective, Council members say.

Members note that the Council's primary environmental responsibility is to assure that the river maintains its biological and hydrological integrity. Since the river is managed as an integrated system, this means that decisions made about water management downstream and in nearby river basins can have substantial effects on the Upper Delaware.

The Council will seek participation from units of government, the conservation community, water users, industry and business organizations and others who have a stake in the future of the Delaware River. The conference will be oriented toward joint working

sessions that give an overview of current management practices on the one hand, and a thorough discussion of alternative arrangements on the other.

The Council plans to drive home the need to maintain water flows in the Upper Delaware and to encourage the adoption of programs and policies that make the most efficient use of future withdrawals by all users.

Announcements, agendas and conference brochures will be mailed within the next two months. Contact the Council office at (914) 252-3022 for more information, or write to the Upper Delaware Council, P.O. Box 217, Narrowsburg, NY 12764.

River History

The D & H Canal: Floating Into History

Driving along New York Route 97 south of the confluence of the Lackawaxen and Delaware Rivers, an alert traveler might be surprised by all the artifacts of the past visible from the road. Just south of the confluence, a meticulously restored bridge that looks unlike any other spans the Delaware. In Pond Eddy, historic buildings are clustered around the town center and along the highway. But perhaps most surprising of all, there are a number of stone ruins of structures long ago abandoned and left for the earth to reclaim. All of these are artifacts of a bold and ambitious engineering project and business venture that helped shape the history of the Upper Delaware River area—the Delaware and Hudson canal.

Canals Were King

For a few brief decades before the railroad age, canals were king. A vast network of canals connected the area from Washington, D.C., north to Maine and from New York west to Chicago. It was possible to travel by canal boat from Philadelphia to Pittsburgh with only a short, steep, and frightening portage via railroad incline over the Allegheny Mountains near Johnstown. The Erie canal opened up Ohio for development. But of all the canals, the Delaware and Hudson was one of the most successful and prosperous, creating quite a few rags-to-riches stories.

Hiking Pays Off

The idea for a D & H canal began in the early 1800's, when Maurice Wurts, a Philadelphia merchant, would hike to the Lackawaxen and Delaware Rivers with his friend, Dave Nobels. During their wanderings, they noticed a large number of outcroppings of rock coal, a hard form of coal later called anthracite. Ignoring the common wisdom that anthracite was unsuitable for fuel, they formed a corporation and started buying promising coal lands.

A Canal is Born

But without cheap transportation to major markets, the coal was worthless. So the idea of a canal was born.

Maurice Wurts hiked the area and found a possible route for the canal, from the Delaware River, up the Neversink, and over the mountain to Roundout Creek, then on to the Hudson River, tidewater, and the huge New York market. This followed a path once followed by the Delaware River itself long ago, when it used to cut north to join the Hudson.

Wurts commissioned the famous Benjamin Wright, chief engineer for the Erie canal, to study the feasibility of his idea. Wright was impressed, and recommended that the terminus of the canal be located near what is now Honesdale. Wright became chief engineer for the project and brought with him his assistant, John Jervis.

"For a few brief decades before the railroad age, canals were king... But within only twenty years the watery highways became eclipsed by ribbons of steel."

The project attracted the attention and financial backing of Phillip Hone, the wealthy mayor of New York and a successful businessman whose participation inspired investor confidence in the venture. On January 7, 1825, a public stock offering was made for the Delaware and Hudson Canal Company. The stock sold out in a few hours, partly because of the presence of Hone and partly because a canal building mania was sweeping the country at the time.

On July 13, 1825, construction began. It proceeded in fits and starts as the project repeatedly exceeded cost projections and exhausted construction funds. It was typical at the time for

canal companies to grossly underestimate construction costs.

Playing with Explosives

There were other problems having to do with the itinerant laborers brought in for the project. There were brutal brawls between ethnic groups and a large increase in rural crime. There were also conflicts with the raftsmen who floated logs down the river. The canal powdermen were accused of timing their explosions to catch passing rafts, peppering the raftsmen with rocks and debris. This was allegedly done for amusement.

From Coal Fields to Tidewater

But the laborers worked hard and dug fast. In October, 1828, the canal was filled with water. On December 10, the first shipment of D & H anthracite arrived in New York on the sloop *Toleration*.

The canal was an immediate success. Investors realized annual dividends of twenty to thirty percent. The channel, originally only four feet deep, was improved to carry deeper and heavier boats of over 100 tons. Aqueducts designed by John Roebling, of Brooklyn Bridge fame, were designed and constructed in order to avoid another source of conflict with raftsmen - collisions of rafts and tow boats.

But within only twenty years it became apparent that the watery highways were to be eclipsed by ribbons of steel. The Delaware and Hudson Company sensed this, and towards the end of the 19th century began diversifying by acquiring railroads. The canal became less and less able to compete with the huge machines that could ship goods faster and more reliably. On June 13, 1899, the water was let out of the canal forever.

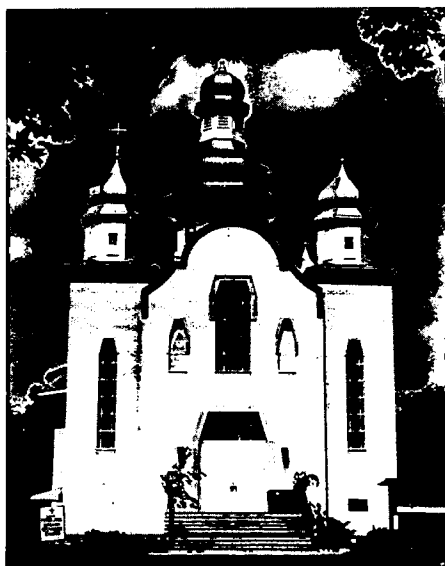
But the canal left behind more than historic buildings and stone ruins. Look at a map of the area. Honesdale, Port Jervis, and the Roebling Bridge all bear the names of those who built the canal.

Lumberland Enjoys Rich Tradition

Editor's Note— This is the first of a series of articles exploring the rich and fascinating history of the Towns and Townships that border the Upper Delaware River.

In the early 1700's the area known as Lumberland was covered with virgin forests and scattered farms with extensive stone walls. The trees gave Lumberland its name—it was, after all, the land of lumber—and its first major industry, timbering. The young nation was growing rapidly, and its thirst for lumber seemed insatiable. Logs would be cut, bundled into rafts, and floated down the Delaware to market. Through the centuries lumbering has remained an important activity in the Town, and selective timber harvesting continues there to the present day.

One of the first villages in Lumberland (as well as adjacent Deerpark) was Mongaup, settled by Joshua Knight and P. Van Auken after the Revolutionary War. By 1792 another major village was established upstream from Mongaup, at a locality then called Craig's, but now known as Pond Eddy. First settled by the Mid-chaughs, Sears Gardener, and Elnathan



St. Peter and Paul's Ukrainian Orthodox Church, Glen Spey. Photo by P. Lafen.



St. Volodymyr's Ukrainian Catholic Church, Glen Spey. Photograph by Peter M. Lafen.

Corey, the village boasted a store and a tavern.

In 1828, when the Delaware and Hudson Canal opened in the area, Pond Eddy blossomed into a major stopover point on the canal route. The village during the hey day of the canal is described by John W. Johnston in his book, *Reminiscences and Descriptive Account of the Delaware Valley from Pond Eddy to Barryville and Shohola Both Inclusive*, Volume II (1901).

Reminiscenced Johnston, "In former years, when the canal was in active operation, Pond Eddy exhibited considerable business enterprise and thrift. Here the canal company maintained a kind of depot and employed a number of men, most of whom resided here with their families.

There were and still are two stores and a post office, formerly two and now one lean tavern—a stone dock with ample business, a dry dock for the building and repair of canal boats; a good school house and grounds, and a neat little church, beautifully situated, well attended and maintained."

Many of these structures are still standing some eighty years after the last barge floated the canal. Pond Eddy is a treasure trove of historical buildings and contains the greatest concentration of canal-era structures

in Lumberland. Many of these structures can be seen from NY Route 97, since much of that road in Lumberland was constructed on the old canal bed.

While Pond Eddy was booming, another village to the north was also ascendent. Glen Spey was founded in 1865 by George Ross McKenzie, a prominent figure in the Singer sewing machine company and a wealthy man. He and his children, who changed the spelling of the family name to MacKenzie, played a major role in the development of Glen Spey. In all, the MacKenzie family built eight elaborate mansions, a large school, church, and many outbuildings. Many of these structures still stand and have been converted to other uses.

Late in the nineteenth century, Glen Spey became a tourist destination. Visitors would travel by horse and carriage from Hawks Nest and via the Erie Railroad Station at Pond Eddy and later by car.

In the early 1950's, a substantial population of Ukrainian immigrants settled in Glen Spey. There, they constructed two of Lumberland's most astounding structures, St. Volodymyr's Ukrainian Catholic Church and the recently completed St. Peter and Paul's Ukrainian Orthodox Church.

NPS Continues Pollution Research

The excellent water quality of the Upper Delaware is one of the main reasons that brings visitors to enjoy fishing, boating, and just sitting on the banks of the Delaware watching the day go by. Clean water is becoming a priceless commodity, and the need to guard against the threat of pollution has become an important activity, even in the rural serenity of the Upper Delaware River.

The National Park Service (NPS) each year carries out several research projects in cooperation with state agencies and the Delaware River Basin Commission. These studies are performed to insure that the water quality of the Delaware River is not seriously affected by new development or other potential causes of pollution.

Perhaps the most important of these projects is the program to investigate possible toxic pollution at the Cortese Landfill on the southern outskirts of Narrowsburg, NY.

During the early 1980's the New York Department of Environmental Conservation (DEC) began an investigation of possible toxic pollution at the site. NPS and DEC have led the intense effort during the past three years to locate any concentrations of toxic substances in the groundwater below the landfill.

Researchers from Penn State University have been called in to determine population densities of the



NPS staff and volunteers doing pollution research in the Delaware River near Callicoon. Pictured from left to right are Jose Torres, NPS specialist J. Johnson, volunteers Tony Tejada and Val Henderson, and NPS specialist L. Richardson. Volunteers are from the Delaware Valley Job Corps Center. Photograph courtesy of the National Park Service.

aquatic species and monitor any changes which may indicate traumatic impact caused by toxic pollution.

Toxic substances monitored included those that had been identified in a small pond between the site and the river. The pond is located in the natural path for groundwater movement from the landfill. Samples were taken at calculated intervals each year for three years.

The study found no significant indications of contamination in aquatic life. However, a decision was made to continue the monitoring until the State

of New York completes its research and the toxic substances have been removed from the landfill.

NPS has worked cooperatively with the other agencies to provide interim protection for the aquatic life in the Delaware River and to provide adequate means, including posted signs and information distributed to visitors, to warn the public not to trespass near the known area of contamination. This is a shining example of the cooperative efforts that result in successful management on the Upper Delaware.

Change of Address or Ownership?

If your address has changed or you no longer own property in the Upper Delaware River valley, please help us to maintain the accuracy of our records. Fill in your new address or the name and address of the new owner of your property and return this part of the page to the: Upper Delaware Council, P. O. Box 217, Narrowsburg, NY 12764. Thank you for your assistance.

Old Address

Name _____
Address _____
Address _____
City _____ State _____ Zip _____

New Address

Name _____
Address _____
Address _____
City _____ State _____ Zip _____

Check this line and return the form if you wish to have you name removed from the mailing list. _____

Calendar

Upper Delaware Council Activity: Aug – Oct

UDC Meetings

The regular monthly meeting of the Upper Delaware Council is scheduled for the first Thursday of each month, 7:30 PM, at the Tusten Town Hall in Narrowsburg, New York. The public is invited to attend. Upcoming meetings are now scheduled for **August 3rd, September 7th, and October 5th.**

UDC Committee Meetings

Each of the four UDC committees meet once each month. All meetings are held at the Upper Delaware Council office on Bridge Street in Narrowsburg.

The Resource Management Committee meets on the third Tuesday

of each month at 7:00 PM. Scheduled dates include **August 15th, September 19th, and October 17th.**

The Project Review Committee meets on the third Tuesday of each month at 8:30 PM, following the Resource Management Committee. Scheduled dates include **August 15th, September 19th, and October 17th.**

The Water Use Committee meets on the fourth Tuesday of each month at 7:00 PM. Scheduled dates include **August 22nd, September 26th, and October 24th.**

The Operations Committee meets on the fourth Tuesday of each month at 8:30 PM, following the Water Use

Committee. Scheduled dates include **August 22nd, September 26th, and October 24th.**

In-Stream Flows Conference

The Upper Delaware Council is sponsoring a basinwide in-stream flows conference on November 12-14 this year. The conference will be held at the Best Western Hunt's Landing in Matamoras, PA. There will be a registration fee, but the event is open to the public. Announcements and brochures will be forthcoming.

Contact the UDC office during business hours in Narrowsburg for additional information.

("Eagles", continued from page two)

Says Hill, "It's nice that the bird has chosen to live in Lumberland. But we are concerned about the loss of tax base that could result from outright acquisition." Options other than acquisition that are being explored include the use of zoning and easements in less critical eagle areas.

When asked about the need to protect the eagles, Mr. Hill expresses a sentiment shared by most Americans. "I think it's important that

we protect our national bird. It's the symbol of America."

A few years ago bald eagles were on the brink of extinction. However, their numbers have rebounded since use of the insecticide DDT, which weakened egg shells, was curtailed in 1972. The eagles started using the area below the Swinging Bridge Reservoir in the mid 1970's, soon after alewives, a food fish species of the herring family, were introduced in the Mongaup River water-

shed. The eagles like to sit near the dam out-take structures and eat the stunned, or freshly prepared, fish.

So far, the eagles have only wintered in the area and have not successfully nested, although last year some nest building did occur. It is hoped that soon some eagles will complete a nest, which can weigh as much as two tons, and make the area their permanent home.

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