



World famous scenery
still being destroyed

FORK ISLAND
LAKE GEORGE
MAY, 1937

P. T. Dodge, Esq.,
President, International Paper Co.,
30 Broad Street, New York City.

May 21, 1919

Dear Sir:

The water of Lake George as affected by your dam at Ticonderoga has for several years been the subject of complaints, investigations and reports. As stated to you in Mr. Pettis' letter of June 11, 1918, and again on April 22, 1919, high water has caused considerable damage to the state islands and we are spending thousands of dollars trying to protect them.

The second annual report of the Commission, 1912, charged your company with the responsibility for fifteen inches of high water. This is also supported by more recent engineering data. Careful investigation shows that it is impractical, and in some instances impossible, to save a number of these state islands with water above the top of your dam.

As Conservation Commissioner, it is obviously my duty to prevent the destruction of this state property, and to take such steps as are necessary to secure for the state the loss caused by your dam. Wishing to be perfectly fair in the matter, I have detailed one of our engineers to go over the grounds, and make an accurate estimate of the damage done and also additional work required for protection.

The water is now, and has been for several weeks, a foot or more above the top of your dam, with the result that the damage to the state land is constantly extending, and I must accordingly ask that the flashboards and other obstructions be removed at once, and that the top of your dam be kept free in the future.

Very truly yours,

(Signed) Geo. D. Pratt, Commissioner.

After many conferences a questionable agreement was entered into between the Conservation Dept. and the International Paper Co. No serious efforts were made to settle the vital question of legal rights and the flooding of Lake George state lands continued. Shore protection in some places was afforded by stone walls (rip-rapping) but further damage year after year aroused many additional protests during the thirteen years following the above agreement.* On the 29th of August, 1933 one hundred and fifty shore owners petitioned Governor Lehman and a second appeal was made to him September 29, 1933 as follows:

* See report of Lake George Association dated Aug. 19, 1932 by Dr. Stanton.

"Hon. Herbert E. Lehman, September 29, 1933
Governor, State of New York,
Albany, New York

My dear Governor:

May we in all friendliness call your attention to Commissioner Osborne's statement of September 26th, which makes the best possible appearance for the pulp company and leaves the interest of the State and shore owner in doubt.

The most important and fundamental questions, such as the legal rights, cause and effect of high and low water in Lake George, are still undecided and apparently no positive action is to be taken. The abuse of State and private property on Lake George has been put before the State authorities year after year for a quarter of a century or more, and all such questions should have been cleared up long before this date, certainly there should be no further delay.

The Commissioner still appears to insist on violating the Constitution by entering into an agreement with the pulp company to flood State land for private purposes. This is very definitely prohibited in Article VII, Section 7, and whether his agreement is formal or informal does not alter the fact that he exceeds his authority when he agrees to flood the Lake George public lands in the Forest Preserve for private use. May we again ask that he be dissuaded from this action. . . ."

Respectfully yours,

(Signed) Irving Langmuir, Schenectady, N. Y.

Richard Bolton, Hague, N. Y.

Bruce Carney, Sabbath Day Point, N. Y.

Fred Smith, Bolton Landing, N. Y."

The new agreement referred to above was made in spite of all protests and the flooding of land continued.

After further efforts the Attorney General's office in 1934 rendered an opinion from which the following is extracted:

" . . . by reason of the construction and maintenance of the dam, the company is committing a trespass upon state lands; (a) by flooding the natural rock dam; (b) by flooding state lands, consisting of islands in the lake; (c) by raising the level of the lake over the entire lake bed, thereby trespassing upon state lands under water . . . that the company is unlawfully taking, using and causing state lands in the forest preserve to be eroded" . . .

ONE YEAR LATER

An alleged error in guage reading was given as the reason for delaying legal action.

TWO YEARS LATER

Extract from J. S. Apperson's letter to Hon. Lithgow Osborne dated April 2, 1936.

"I have been prevailed on to show my amateur

films next week, entitled "Man Made Erosion in the Adirondacks" and "The Lake George Tragedy", and I would appreciate knowing the present status of the Lake George trespass case by flooding".

Extract from Hon. Lithgow Osborne's letter to J. S. Apperson dated April 3, 1936.

"In regard to the Lake George case this matter is, as you know, now in the Attorney-General's office. There has recently been a change in that office. Mr. Charles McManus, Assistant Attorney-General resigned a few weeks ago. He was, of course, thoroughly familiar with the whole case and wrote the opinion, copy of which I think you saw. He has been succeeded by Mr. Timothy F. Cohan, who strikes me as an equally able lawyer. However, he has not had a chance yet to familiarize himself with all of Mr. McManus' work. I know he has had a number of other pressing matters. He informs me he will get at the Lake George case just as soon as he possibly can.

I trust your film in regard to Lake George has been brought up to date with special reference to the great amount of rip rapping done there during the last two years by the CCC workers in accordance with your suggestion."

Extract from J. S. Apperson's letter to Hon. Lithgow Osborne dated April 6, 1936.

"It seems desirable that I correct your statement that the riprapping of the islands was done as per my suggestion. I did give a list of islands needing riprapping, but during a discussion in your office early in December of 1934, I showed photographs and made it quite clear that much of the work needed had not been done, and several months later I was asked to go over the work required in detail with your Mr. Mulholland, and devoted some considerable time to this effort. Examination of the islands last fall and this winter showed that the work was not done, and the islands are in bad shape. Mr. Howard, over the long distance this morning, confirms my observations that the work has not been done. If this was the beginning of my effort to help your department save the islands of Lake George, I would hesitate to express myself so strongly, but indeed it is only one of many chapters of disappoint-

ment that has extended over a period of some twenty years during which time this famous scenery has suffered severely, and there is apparently no improvement either in attitude towards its preservation or toward those who offer their assistance in its protection. The films referred to were taken before and after the work of the C. C. C.* and other films will be taken showing the rate of destruction. Valuable portions of the islands are at the time of writing this letter under water."

*The C. C. C. work referred to was incomplete and in many places no walls were built where they were badly needed.

THREE YEARS AFTER THE ATTORNEY GENERAL'S OPINION

Mr. William G. Howard,
Director, Lands and Forests,
Conservation Department, Albany, N. Y.

May 25, 1937

Dear Mr. Howard:

Completing the work of setting up the trees on Ship Island, as stated in your letter of the 24th, is commendable, but unless the trees are protected against further destructive wave action, which has already removed much of the soil from the roots, the work just done will be wasted.

As you probably know, a large part of this island has been submerged by high water recently and at a time when all the spillway gates were closed at the dam in the outlet. Even if the stones placed on the roots prevent the tree from toppling over, they are doomed to die standing up, as other trees have done on this and many other islands unless further protection is afforded by lower lake levels and more stones placed along the shore.



Private Citizens Still Trying to Save Lake George State Islands. Ship Island, May, 1937

Since you have had both personal and official knowledge of these undesirable conditions for many years, it is obviously impossible to lay the blame on anyone else for the destruction of this famous scenery. Year after year I have kept working and hoping that you would stop temporizing and seriously try to protect the Lake George state islands, but each year more trees fall along the shore, and each year we exchange more letters with little or no results of a permanent nature. I marvel at your willingness to take credit for such plain neglect of these lands.

Very truly yours,

J. S. Apperson

Mr. J. S. Apperson,
Schenectady, N. Y.

June 16, 1937

Dear Sir:

Your letter of May 25, with regard to protecting the trees on Ship Island, Lake George, is received.

Although I did not mention it to you in my letter, we are planning to do additional rip-rapping on this island as a further protection to the trees there.

Your letter charges me with a personal responsibility for any destruction of scenery that may have been caused at Lake George by high water. I resent this charge, because there is no justification for it, and I trust you will retract it. In order that you may know what has been done with regard to the taking of legal steps to control high water on the Lake, I am enclosing herewith a copy of a letter Commissioner Osborne sent Dr. Stanton in May, 1936.*

Very truly yours,

W. G. Howard, Director, Lands and Forests

* Com. Osborne expresses again in this letter his willingness to bring suit, but again offers reasons for further delay.

June 17, 1937

Mr. W. G. Howard, Director Lands and Forests
Conservation Department, Albany, N. Y.

My dear Mr. Howard:

As chief custodian of our State Forest Preserve Lands, including the State owned islands in Lake George, and knowing personally that this famous scenery was being destroyed and having allowed these conditions to prevail year after year for many years, no one else but you could be responsible for the results.

Your file contains many letters similar to the one written by Commissioner Osborne to Dr. Stanton dated May 28, 1936 and referred to in your letter to me of June 16th. It is typically weak for you to offer this year-old letter as proof that you are performing your duty, when you and I know that the Lake levels were again held above the island shores as recently as two months ago.

Islands throughout the entire length of the lake need protection from a few feet to several hundred feet along shore, though it is now too late to save many trees that could have been preserved even last year. For instance, Arrow Island, though small, was very beautiful up to three years ago, and now only bare rock is visible above water. The soil and vegetation have been washing away while you and I exchanged letters, and your annual report claimed that the islands were fully protected.

Saving what is left of Ship Island is desirable, of course, but this is a small part of the work needed to be done, and I make this statement after a recent

examination of many shores. The enclosed photographs taken on Fork* and Phenita Islands are typical.

I am genuinely sorry you have made it necessary for me to write this kind of a letter, but it is only too plain that both the written and unwritten history of this famous island scenery destruction must leave the responsibility with you as Director of our State Forest Preserve lands.

Very truly yours,

J. S. Apperson

* See cover.

Mohawk Club, Schenectady, N. Y.
August 17, 1937

Hon. Lithgow Osborne,
Conservation Commissioner, State of New York,
Albany, N. Y.

My dear Commissioner:

Please advise the present status of your effort to establish the State's right respecting water elevations in Lake George. Governor Lehman informed Dr. Langmuir about three years ago that this very old question would soon be settled and some time afterwards, I believe you advised him in like manner. The question of legal rights was again referred to in your letter of May 28, 1936 to Dr. Stanton. Today noon Dr. Stanton showed me a copy of his letter of the 16th to the President of the Lake George Association, indicating that many years more might be used up in further discussions.

Yours very truly,

J. S. Apperson

Conservation Dept., Albany, N. Y.
August 18, 1937

Mr. J. S. Apperson
Mohawk Club, Schenectady, N. Y.

Dear Mr. Apperson:

I am referring your letter of August 17 to the Department of Law which has the matter you refer to in its charge at present.*

Yours very truly,

(Signed) Lithgow Osborne, Commissioner

* No word from the Department of Law to date.

Issued by

The Forest Preserve Association of New York State, Inc.
Schenectady, N. Y., Sept. 7, 1937