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"The History and Demise of the Tocks Island Dam Project: Environmental war or the War in Vietnam"

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**“The History and Demise of the Tocks Island Dam Project:
Environmental War or the War in Vietnam?”**

by Kathleen Duca-Sandberg

**In partial fulfillment of the degree of
Master of Arts in History**

Seton Hall University

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THESIS ABSTRACT

By Kathleen Duca-Sandberg

The controversial damming of the Delaware River at Tocks Island, authorized by Congress in 1962, would have created a 37 mile-long reservoir or man-made recreational lake. In preparation, fifteen thousand people were displaced. Victims of social engineering fought the project for nearly forty years before Congress finally deauthorized it.

Richard Albert wrote the only history of the dam and creation of the surrounding national park. Before he died in 2009, he admitted he gave the environmental movement too much credit for stopping the dam. My argument is that time and money were actually the most significant factors affecting the demise of the dam. Had the first shovel of soil been turned in 1967, the project might have moved ahead. An examination of LBJ's federal budgets and subsequent allocations indicates projects that were already started, continued to receive funding. During this critical window of time, a continued reduction of funding due to inflation and spending for the Vietnam War coupled with skyrocketing project costs, made Tocks Island Dam a low funding priority and continuously stalled project.

Tocks Island Dam needed to be placed into the broader context of state and national history, especially the political and economic aspects of both. Major environmental opposition to the dam did not start until after 1970, and after the environmental movement itself started to attract widespread attention.

The focus of my thesis is the history of the dam's controversial demise. The Tocks Island Dam project's final demise has been viewed as a victory for environmentalists, but this project was actually doomed much earlier when President Johnson needed money to simultaneously fight the War in Vietnam and push through his Great Society legislation. As early as 1967, *Time*

Magazine criticized the dam's costs, but it was a lucrative "pork barrel" project and lingered. Cost increases and budget cuts due to the war delayed the project which got tangled in later environmental legislation. My thesis demonstrates that a lack of funding in the late 1960s handed the growing environmental movement a later victory in the 1970s.

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INTRODUCTION

The controversial damming of the Delaware River at Tocks Island, authorized by Congress in 1962, would have created a 37 mile-long reservoir for water, power and flood control north of the Delaware Water Gap. Viewed by many to be a good idea at the time, the Tocks Island Dam would have destroyed approximately 12,000 acres of woodlands, virtually most of the Minisink Valley, and left many very old and historic landmarks underwater. In preparation for this engineering feat, the Army Corps of Engineers displaced fifteen thousand people, wiped out several entire towns, large farms, historic roads and the Minisink Flats. All were either razed or abandoned. These homes and places of historic interest were doomed to become the bed of a new man-made lake surrounded by the 72,000 acre Delaware Water Gap National Recreation Area, created by a another bill signed by President Lyndon Johnson in 1965.

The earth and rock-filled dam was to be built at Tocks Island, a small uninhabited island in the middle of the Delaware River about five miles north of the Delaware Water Gap. It was to be 160 feet high and 3,000 feet long. It would have provided approximately 980 cubic feet of water per second to be used for hydroelectric power and as a water source. Congress had also authorized the construction of a nearby pumped-storage facility at Sunfish Pond, which would have been owned and operated by private power companies, that was expected to generate an estimated 1,300 megawatts of hydroelectric power. Another controversial component of the project was the establishment of a recreation area surrounding the Tocks site to be run by the National Park Service.¹

¹ Richard C. Albert, *Damming the Delaware: The Rise and Fall of Tocks Island Dam*, (University Park: Pennsylvania State University Press, 1987 and 2005), pgs. 1-3.

“The overriding decision to dam or not to dam the Minisink must be weighed against its natural, social and historic heritage,” wrote Nancy Shukaitis, former Commissioner of the Four County Task Force on Tocks Island Dam and longtime resident of the area.² She and countless others fought the dam project for nearly ten years before the Delaware River Basin Commission finally voted to terminate the project, which had an estimated price tag that had grown from \$90 to more than \$400 million.

By then it was too late. Bushkill and Dingmans Ferry had become ghost towns and Walpack’s population dropped from 384 to 67. People lost their homes, their livelihoods and their heritage. Park records show 10,000 properties, many belonging to generations of families as far back as the colonial period, were bought or condemned. More than 3,000 homes occupied by 8,000 people were razed, 25 summer camps, 125 farms and more than 100 businesses, seven churches and three schools were all demolished or abandoned.³ Since then, many historic landmarks on both the New Jersey and Pennsylvania sides of the river that managed to survive have languished under the care of the National Park Service because of a lack of funding for maintenance and restoration. In 2003 the Park Service encouraged former residents, who were displaced when the park was created, to come back to live and refurbish their own homes and pay rent. Judy Peet, a reporter for the Newark Star Ledger wrote:

Instead, the plan revived the anger and despair felt by homeowners who were booted out nearly forty years ago when government men descended on the valley -- some say like storm troopers, others say like locusts -- to create the \$1 billion Tocks Island Dam.⁴

The emotionally charged environmental reasons for stopping the Tocks Island Dam were a direct result of the media attention focused on the residents displaced from their homes who joined

² Dennis Bertland et al. eds., *The Minisink: A Chronicle of One of America's First and Last Frontier*: (The Four County Task Force on the Tocks Island Dam Project, 1975), preface vii.

³ Judy Peet, *A Bitterness Runs Through It*, The Star Ledger, 23 November, 2003, p.19.

⁴ Ibid.

forces with any group they hoped would further their cause and condemn what was being done to them by the Army Corps of Engineers and in effect, the federal government. This attention happened at the same time and should be considered a part of the budding “Environmental Movement” that was taking shape in the late 1960s and 1970s. This movement changed public thinking about our natural resources from protective conservationism to pro-active environmentalism, which resulted in the 1969 National Environmental Protection Act and the establishment of the Environmental Protection Agency a year later.

Before these federal laws were enacted and while public environmental consciousness was still being raised, the stories emanating from Tocks Island made great press, especially for nearby urban reporters, who got to take a field trip out to Sussex or Monroe County for the day to cover an easy “hearts and flowers” story, myself included. Television cameras captured sound bites from protesting angry residents and Hippie environmentalists who joined them like sympathetic union strikers as they hugged each other and demonstrated with signs. The atmosphere was a mixture of funeral-like mourning and tension. “It was like going to someone’s wake,” described attorney Donald Stieh, now president of the Walpack Historical Society, whose family lost their vacation home. “I think if a member of the Park Service had wandered onto the scene, there might have been a lynching.”⁵

Richard Albert was a restoration scientist with the Delaware Riverkeeper Network, a nonprofit environmental organization that fights proposed dam projects. He previously worked for the Delaware River Basin Commission, the federal agency charged with building Tocks Island Dam. Before he died in 2009, Albert wrote the only history of the Tocks Island Dam and creation of the surrounding national park. He said like many others, he had a change of heart about saving the Delaware River, but admitted he gave the environmental movement too much

⁵ Donald Stieh, interviewed by Kathleen Duca-Sandberg, September, 2010.

credit for stopping the dam. Albert said the volume of research materials he used was large complex “and usually biased.”

“For anybody who wasn’t there at the time, it’s hard to imagine the agony people went through, and for what?” said Albert. “A dam on a river that didn’t need it? Recreation that was already there? Farmland that the government now leases out? Or for historic homes that the government can’t afford to keep? I offer no apology except to recognize that many subjects touched on could have been explored in greater detail. A subject for which I would like to see additional professional study is the striking parallels between Tocks Island Dam and the Vietnam War.”⁶

How the proposed dam affected local residents and budding environmentalists is only one aspect of the history of the dam and as sad or news worthy a story as it was, Tocks Island needs to be placed into the broader context of state and national history, especially the political and economic aspects of both. Major environmental opposition to the dam did not start until 1970, considered a late start because the environmental movement itself did not attract widespread attention until after the first Earth Day celebration was held that year and the “Save the Delaware Coalition” was organized. Ironically, the leaders of the coalition opposed the dam, but supported the creation of the recreation area, even though it tripled the amount of land to be confiscated by the government. The history of the project itself and the emotional effects of social engineering have been thoroughly written about by Albert, who fifteen years later said, “In spite of all the real and imagined environmental impacts, it can be argued that the Tocks Island Dam was a victim of cost overruns and the Vietnam War.”⁷

The focus of this thesis is the history of the dam’s controversial demise. The Tocks Island Dam project became irrevocably log-gammed during the Carter Administration and its final

⁶ Richard Albert, interviewed by Kathleen Duca-Sandberg, March, 2008.

⁷ Richard Albert, *In-Tocks-icated: The Tocks Island Dam Project*, Cultural Resource Management-CRM (Published online by the National Park Service, Volume 25, Issue 03, 2002) <http://crm.cr.nps.gov/archive/25-03/25-03-3.pdf>

demise was viewed as a victory for environmentalists, but this project was actually doomed much earlier when President Johnson needed money to simultaneously fight the War in Vietnam and push through his Great Society legislation. The project had enormous cost overruns from the very beginning. As early as 1967, *Time Magazine* criticized these costs and recommended that Congress kill the project, but it was a lucrative “pork barrel” project and lingered. Cost increases and budget cuts due to the war delayed construction and allowed the project to get tangled in later environmental legislation. My thesis demonstrates that a lack of funding in the late 1960s handed the growing environmental movement a later victory in the 1970s.

CHAPTER I

The Historic Minisink Valley

The Upper Delaware River Valley, known as the Minisink, encompasses four counties in two states: Sussex and Warren in New Jersey and Pike and Monroe in Pennsylvania. It stretches for forty miles on either side of the Delaware River from the Delaware Water Gap to Port Jervis, New York and is bordered by small mountain ranges on either side, the Kittatinny in New Jersey and the Poconos in Pennsylvania. The Delaware River flows from ancient glacial sources in the Catskill Mountains in New York and empties into the Delaware Bay below Wilmington, Delaware.

Before the first Europeans explored or attempted to settle the Delaware River Valley the most prevalent tribe of Indians to occupy this territory were the Lenape, a branch of the Algonquian nation. Many historians have documented that Henry Hudson, sailing for the Dutch West India Company, was the first European to inadvertently discover the Delaware River in 1609, as well as the Hudson River, during his explorations to find a water route to China. However, he did not sail up the Delaware River and stayed in the vicinity of what now is known as Delaware Bay. The land was claimed by the Dutch and called New Netherland. There are conflicting accounts of attempted Dutch settlements in the area known as the Minisink Valley prior to 1664 when the English gained control of what became the New York and New Jersey colonies. Early Dutch copper mining remains somewhat of a legend as there is little evidence left today of these alleged mine sites, only a few openings where they could have possibly used a

pick and wedge technique to mine copper north of Tocks Island and haul the ore a distance of 104 miles to “Esopus” on the Hudson, present day Kingston, New York, for shipment abroad.⁸

During the colonial period most of this area was owned by members of the West Jersey Proprietors. Any possible claims to land by remaining Indians were disregarded. Some of the houses built by early settlers served as forts and there are many accounts of Indians raids and massacres during the French and Indian War. In the summer of 1755 the Minisink Indians attempted to retake their former lands on both sides of the river. For several years the Indians raided homes and farms all along the Delaware, killing and scalping men, women and children and burning their houses and barns. Similar attacks took place throughout the river valley until 1763. Numerous attempted copper mining operations in the 18th century all failed and by the late 1800s the Pahaquarry Mining Company, the last mining operation, closed. A 1944 geology report on the minerals in the Pahaquarry mines concluded the principal mineral available in abundance was a low grade copper sulfide, a mineral hardly worth the effort and expense to mine. The site of these abandoned copper mines was eventually taken over by the Boy Scouts and turned into Camp Pahaquarra that operated until the Army Corps of Engineers forced them to close in 1969 in preparation for the Tocks Island Dam.⁹

⁸ Henry Charlton Beck, *The Roads of Home, Lanes and Legends of New Jersey*, (New Brunswick: Rutgers University Press, 1987), p. 8. In *The Roads of Home, Lanes and Legends of New Jersey* by Henry Charlton Beck, he cited an 1787 interview in Hazard’s Register with area resident Nicholas Dupius, who said there was a company of Dutch miners from New York who operated the Pahaquarry mines and built about one hundred miles of road, (now Old Mine Road) in the 17th Century, while later historians, Herbert Kraft and Peter O. Wacker, who have studied the area extensively, disagree that European settlement in the area could not have occurred until much later because Native American hostility made settlement nearly impossible for such early Dutch settlement.

Peter O. Wacker, *New Jersey’s Cultural Resources A. D. 1660 – 1810*, (New Jersey DEP, Historic Preservation Office, 22, January, 2010 www.nj.gov/dep/hpo/.../pg_199_NJCulturalResourc1660_1810Wacker.pdf), pgs. 199 – 204.

Peter O. Wacker, *Land and People: A Cultural Geography of Preindustrial New Jersey* (New Brunswick: Rutgers University Press, 1975), pgs. 234-235.

Herbert C. Kraft, *The Dutch, the Indians and the Quest for Copper: Pahaquarry and the Old Mine Road*, (South Orange, Seton Hall University Museum, 1996), p. 91

⁹ Bertrand, p. 42

The Minisink Valley saw military activity in both the French & Indian and Revolutionary Wars. In 1763, during the French and Indian War, the Van Campen house sheltered 150 people from the threat of Indian attack and in December 1776, General Gates stayed there with his colonial troops enroute to Trenton. In 1778 Brig. General Casimir Pulaski, a Polish Revolutionary soldier, brought 250 cavalymen down the Old Mine Road and wintered there for two months. A large majority of the 13,000 colonists who lived in the area were Patriot supporters of the Revolution.¹⁰

Despite the failed attempts at mining, settlement continued and the Old Mine Road was used to haul wheat and other products to Kingston and the Delaware River was used for transportation and floating logs downriver to sawmills. Recent residents, the descendents of early settlers with names including, Rosencrans, Westbrook, Spangenburg, Hull, Decker, Losey, Depue, and Smith, trace their heritage to this area and these people. These early settlers farmed, logged or worked for canals and railroads that were later built in the area. During the early days of the Industrial Revolution the Morris Canal was built across New Jersey, linking the Delaware River to the Hudson River. The canal enabled farmers to ship crops and farm products to city markets and it also fueled industry with coal from Pennsylvania, limestone and iron ore.

The Search for Water

It was shortly after the Revolutionary War that the problems of water supply for the region and navigation, energy, and flood-control issues of the Delaware River began. These issues were shared by New York, New Jersey, Pennsylvania and even Delaware, and led to more than two hundred years of disputes and poorly planned cooperative efforts, including the

¹⁰ The National Park Service Website: www.nps.gov/dewa/historyculture/stories-tocks.htm

proposed Tocks Island Dam. The Delaware River supplied early merchants, farmers and loggers with an inexpensive way to transport goods to the markets of Easton, Trenton and Philadelphia. The river's numerous tributaries also allowed for essential transportation of goods and supplies as well. People were so dependent on these smaller streams and the Delaware River that in 1783 New Jersey and Pennsylvania appointed commissioners to decide the ownership of each Delaware River island and Albert said it was declared the "whole length and breadth thereof, is and shall continue to be and remain a common highway, equally free and open for use, benefit and advantage of each state."¹¹ This meant that no one could build a dam across the Delaware River unless both sides agreed. It also meant that water could not be diverted from the river if the diversion substantially reduced river flows.

The Industrial Revolution created a great need for coal to power manufacturing and transportation. Huge coal fields had been discovered in Pennsylvania and coal had to be transported downstream. In 1823, the 72 mile Lehigh Canal was opened and the Lehigh Coal and Navigation Company played a major role for years in keeping water-supply dams from being built on the Delaware River. Other canals were soon constructed: the Morris Canal from Phillipsburg to Jersey City, the Delaware Division of the Pennsylvania Canal from Easton to Bristol; the Delaware and Raritan Canal that spanned from Bordentown and Trenton to New Brunswick, and the Delaware and Hudson Canal. The common destinations of these various canal systems were the industrial cities and terminal ports of New York City, Jersey City and Philadelphia. The Industrial Revolution of course led to huge population increases in these areas and an ever increasing need for potable water.

As electricity replaced steam as a source of energy, New Jersey recognized the potential of the Delaware River for hydroelectric power (the use of water falls to drive turbines). In 1897,

¹¹ Albert, p. 5

the state legislature enacted a law allowing companies to be formed specifically for building hydroelectric dams. In 1902 the first hydropower project for the Delaware River was proposed by the Delaware Water Gap Power Company and the region north of the Delaware Water Gap was surveyed, including Tocks Island.

In 1907, during the height of Teddy Roosevelt-style conservationism, the New York legislature authorized its Water Supply Commission to conduct flood control and power development studies, which recommended building three power dams along the upper Delaware River in New York. Concurrent with this study was the *1908 Third Annual Report of the New York State Water Commission*, another study that considered building forty hydropower dams upstream from Port Jervis, including creating a series of Delaware River lakes that would each be from five to ten miles long that “would convert the region into a beautiful and attractive pleasure resort and greatly increase the land values.”¹²

In 1910, the New Jersey based Delaware River Improvement Company applied to the Pennsylvania Water Supply Commission for approval to build a hydroelectric dam near Belvidere. Not sure of its jurisdiction, the commission requested an opinion from the state’s attorney general, who upheld the Treaty of 1783. Concurrent legislative action of both states would be necessary. By 1913, the Delaware River Development Company was incorporated to pursue the same project. This company spent eight years trying to get the project approved and bought land on both sides of the river, but it never overcame the obstacles of the Treaty of 1783.

By the 1920s the lumber rafting industry on the Delaware, which had been responsible for the New Jersey/Pennsylvania anti-dam treaty and was a great obstacle to using the Delaware River for hydropower, was dead. Interest in using the Delaware River as a water supply then became an over-riding concern.

¹² Albert, p. 8

Finding adequate supplies of fresh clean water had long been a problem for the more populated areas of New York City and Philadelphia. Benjamin Franklin left the city of Philadelphia money in his will to build a public water supply system and by 1850 a waterworks on the Schuylkill River was supplying seven million gallons of water. Philadelphia's use of a Delaware River estuary at the Kensington works was also expanded until the Delaware River was providing fifty percent of Philadelphia's water supply. However, because of the growth in manufacturing and increased population, the water quality quickly became very poor as the city dumped unrestricted waste into the Schuylkill and lower Delaware. Upstream pollution was also increasing from Port Jervis and further polluted Philadelphia's water supply.

New York City had water supply problems almost from the time Peter Minuit purchased Manhattan Island from the Indians in 1626. Diseases, including yellow fever, cholera and typhoid fever were attributed to contaminated water and there was an inadequate supply of water to fight fires. Historian Charles Weidner wrote:

As the city built up and the density of the population increased, numerous wells became polluted with the seepage of privies, cesspools, and the drainage from the streets. As early as 1750 the water was notoriously foul.¹³

Manhattan Island's early water supply came from "the Collect" a spring-fed, fresh-water pond that extended from Pearl Street to Franklin Street, an area of about 48 acres. It supplied mostly polluted water to Manhattan's inhabitants, who at this time were crowded in the lower end of the island. By 1774, the city moved to construct a municipally owned water supply system, in the form of a well that would supply water to a reservoir on Broadway between Pearl and White Streets powered by a steam engine that would distribute the water by pipe throughout

¹³ Charles H. Weidner, *Water for a City: a History of New York City's Problem From the Beginning to the Delaware River System*, (New Brunswick: Rutgers University Press, 1974) p.14

the city. The supply proved to be insufficient and the quality of the water was again, very poor. As a result the project was abandoned. Between 1785 and 1798 numerous plans, most involving the Collect as a main source were considered and rejected by the Common Council.

In 1799 the New York State Legislature passed “an act for supplying the City of New York with pure and wholesome water.” The Common Council accepted this bill with reluctance because authority over the City’s water was given to a private corporation, a bank, the Manhattan Company, incorporated by Assemblyman Aaron Burr. The Manhattan Company had complete control over the City’s water supply and had a mandate to solve the supply problem within ten years. However, banking turned out to be a more profitable undertaking for Burr and little was done except to lay 20 miles of wooden water mains that carried an unfit and inadequate supply of water to less than a third of the City’s population of over 200,000. The other two thirds of the city still depended on wells or other sources for water. There was no citywide sewer system and scientists estimated one hundred tons of human excrement was being put into the porous soil of lower Manhattan Island daily. In addition, there was seepage from graveyards and the drainage from stables and the filthy streets. Weidner noted: “The stench arising from the streets was appalling.”¹⁴

A devastating fire in 1835 forced the city to build a reservoir in the Croton watershed in Westchester County. A forty-two mile aqueduct, receiving reservoirs and other parts of a water-distribution system were built, yet it only took six years before this system became too small to meet water demands. The system was expanded continuously and still exists today. During the period of heavy immigration from Europe between 1850 and 1900, the city’s population grew from a half-million to three and a half million with more than 135,000 people moving into the city each year. Consumption of water naturally increased. Users of this early system consumed

¹⁴ Weidner, p. 23

an average of 20 gallons a day, but by 1895 the average daily use had increased to 145 gallons per day, because industrial and commercial use was included. Albert wrote:

Philadelphia and New York had taken distinctly different approaches to solving their early water problems. Philadelphia had taken the least costly approach by tapping ample, nearby water sources. However, its water supplies had become grossly polluted. New York City had taken the bold approach of building reservoirs in distant areas and then bringing the water to its citizens. But the city's program could not keep pace with the tremendous growth in population and water consumption.¹⁵

Between 1907 and 1928 New York built the Catskill System, above the Hudson River connecting the Schoharie and Ashokan Reservoirs by 144 miles of aqueducts, but even before it was completed, it was already determined to be inadequate. New York predicted it would run out of water by the mid 1930s. One of the most viable alternatives considered by the city's engineers was to develop watersheds on the Delaware River. The Pennsylvania Water and Power Resources Board also conducted a study that concluded a dam across the Delaware River at Walpack Bend would be an inexpensive way to solve Philadelphia's water supply needs.

New Jersey also had growing water supply concerns. By 1900 more than two million people lived in the northern urban parts of the state and supplies were running low. The North Jersey Water Supply District began a series of studies beginning with the Hazen Study, which recommended construction of a reservoir on the Raritan River above Somerville that could be augmented by pumping water from the Delaware River into the Raritan near Clinton and building a pump station near Belvidere on the Delaware. The Long Hill project proposed building eight interconnected reservoirs on various Delaware River tributaries with the final stage of the project being a pump station near Walpack Bend not far from Tocks Island. Neither

¹⁵ Albert, p. 13

the Hazen nor the Long Hill projects were built. The ultimate solution to the water needs of North Jersey seemed to lead to the Delaware River.

In 1923 the Delaware River Treaty Commission was created by legislative action in the three states. The commission's job was to negotiate an interstate agreement that would govern each state's water projects in the Delaware River Basin. Federal agencies were invited to participate as advisors. Staff of various state agencies, New York City, the Federal Power Commission and the United States Army Corps of Engineers, conducted work on drafting an interstate compact that they adopted on January 24, 1925, establishing the permanent regulatory Tri-State Delaware River Commission. The proposed compact stipulated Pennsylvania, New Jersey and New York share equally in the Delaware River's water above Port Jervis and below that point, the Delaware was to be shared only by New Jersey and Pennsylvania.¹⁶

From the beginning, the three states ran into politically motivated obstacles while attempting to pass the compact bill. New Jersey amendments were rejected by Pennsylvania and the powerful and politically connected Lehigh Coal and Navigation Company lobbied vigorously against the bill's passage there. The company had been given water rights to the Lehigh River during the building of the Lehigh Canal 100 years earlier and wanted to keep its Philadelphia customers. New York State, who had the most to gain, passed the compact quickly. Even with amendments, the New Jersey legislature still hesitated to pass the bill.¹⁷

A newer and less ambitious compact was approved by the Commission in 1927, which gave each state an initial allocation of 600 million gallons of water per day. Again, New York passed the compact treaty quickly in 1927 and the bill again stalled in both Pennsylvania and in New Jersey. A focus of the debates was the amount of water flow that would be restricted below

¹⁶ Albert, pgs. 15-17

¹⁷ Albert, p. 18

Port Jervis, and concerns the river would become a mere brook during the summer. Trenton was also concerned about the quality of the water that would flow down a restricted Delaware. The city had been experiencing pollution problems during low-flow periods when thunderstorms washed coal and industrial wastes out of the Lehigh River Valley. New Jersey legislators were very concerned about differences between state and commission engineers' findings on the Trenton issue. When Pennsylvania would not agree to an increase in the minimum flow requirements, New Jersey killed the bill in 1928.

The City of New York threatened to sue and made preparations to begin an independent water diversion project. New Jersey reacted immediately when the attorney general's office filed a lawsuit in the United States Supreme Court against New York State and New York City on May 20, 1929, to keep the city from diverting water out of the Delaware River Basin. In this suit, New Jersey claimed New York's diversion would destroy the basin environmentally and claimed that the Secretary of War had to approve any diversions that would affect the river's navigability. They also cried that New York City's use of water was extravagant.

On May 4th, 1931, Justice Oliver Wendell Holmes delivered the opinion of the Supreme Court, which affirmed New York's right to divert water from the Delaware based on a principle of equitable apportionment. He ruled each state in the Delaware River Basin had a right to a fair share of the water. New York was limited to taking 440 million gallons daily, but New York City was required to release from its holding reservoirs enough water to maintain a minimum flow at Port Jervis and Trenton. The ruling also stipulated that accredited representatives from New Jersey and Pennsylvania had the right to inspect New York City's water works, meters, and other apparatus and records relating to the inflow, outflow and diverted flow of the river. New York was also required to build a sewage treatment facility in Port Jervis to prevent further future

pollution, but New York had no money to start this first diversion so deadlines were moved up to 1940. A large portion of what became the Merriman Dam on Roundout Creek at Lackawack, New York in the Catskills, part of the Delaware System of supply, was not built until after World War II.¹⁸

The Supreme Court ruling in the Delaware River Case ended a very important decade for the Delaware River and outlined the rules that would govern the Delaware River for many years to come. Water supply emerged as the overriding concern in the basin, and the first water-supply dam had been proposed for the Delaware River. The interest in water supply resulted in the negotiation of two revolutionary interstate compacts. While neither of these compacts was adopted, they ultimately resulted in an expensive, two-year water fight waged before the United States Supreme Court. "The rules for playing the water game in the Delaware had now been established," wrote Albert.¹⁹

The Army Corps of Engineers, a public engineering, design and construction management agency, had been established by the Continental Congress in 1775. It was disbanded after the Revolution and reorganized in 1802. Non-military engineering projects of the Corps were usually limited to improvements in navigation, canals and roads, but as time went on, their responsibilities grew to include the planning and operation of locks and dams, flood control, waterway dredging and beach erosion. Recently, environmental regulation and ecosystem restoration were added to the list of responsibilities.

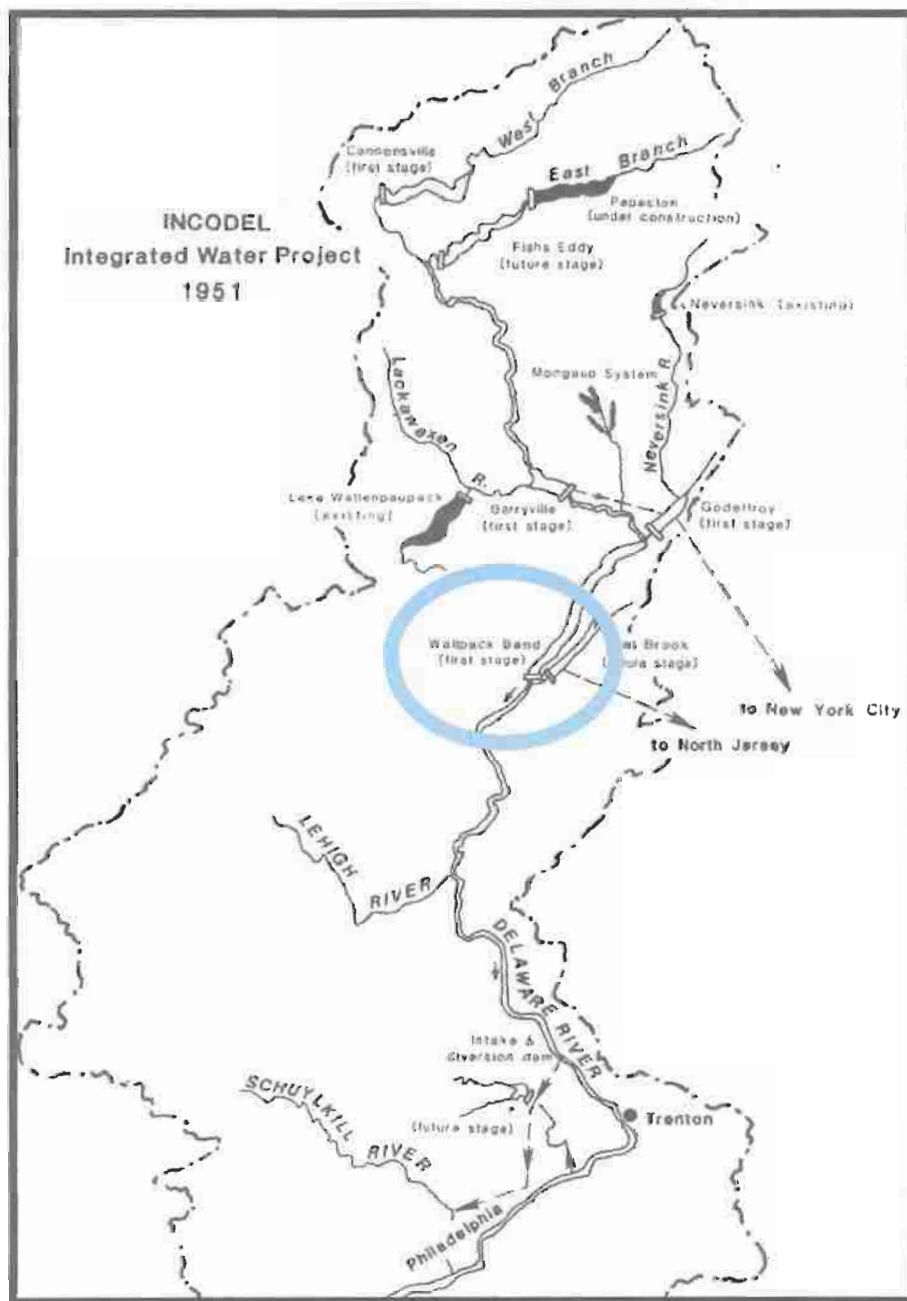
Many reports and articles mistakenly state that the Army Corps of Engineers did not get involved in the Tocks Island project until after 1955. According to Albert, the first Corps activity in the Delaware River above Trenton was an 1872 study they conducted to examine the costs of

¹⁸ Weidner, p. 313

¹⁹ Albert, p. 25

removing navigation hazards for lumber rafting between Trenton and Port Jervis. In 1934, the Corps submitted the "Delaware River 308 Report," the first comprehensive water-resources plan ever developed for the Delaware River Basin. It not only examined navigation, hydroelectric power, flood control, and irrigation, but also water supply and water quality. The report primarily dealt with potential dams for hydropower and water supply. Of the 32 dam sites the Corps examined, Tocks Island showed the most promise. The Corps water supply plan assumed New York City would be completing a second diversion to the headwaters of the Delaware by 1950. The Corps proposed a large reservoir in the Neversink Valley and a Delaware River reservoir near Barryville, New York. To establish a similar water supply plan for New Jersey and Pennsylvania, Albert said the Corps proposed building a large reservoir at Tocks Island. "A dam in the Minisink Valley was considered ideal because the valley was not occupied by railways or extensive and highly valuable improvements,"²⁰ The Corps found the development of the Delaware River Basin economically feasible and a project that at the time, did not warrant federal participation. Instead, they recommended an interstate agency be formed to complete the project. There was little opposition or reaction to this study because there was no money for it. The country was suffering from the Great Depression and the creation of a similar project by the Tennessee Valley Authority was very controversial.

²⁰ Albert, p. 28



Early Army Corps of Engineers IncodeL Dam plan map shows Walpack Bend as the primary dam site. Later the site was changed to nearby Tocks Island²¹

In anticipation of the 308 Report, the Electric Power Company of New Jersey was incorporated and later applied to the Federal Power Commission for permits to build

²¹ Albert, p. 40

hydroelectric dams at Tocks Island, Belvidere and Chestnut Hill. New York City, Philadelphia and other cities opposed the project because they wanted dam sites preserved for water-supply uses that would benefit various coal and private power companies and did not want any possible competition from New Jersey.

Following two damaging floods in 1936, the federal government passed the Flood Control Act of 1936, expanding the federal government's role in flood control and giving this responsibility to the Army Corps of Engineers, making it the "nation's largest dam-building agency." The three principle states continued to conduct intermittent studies for the next few years, but nothing was agreed upon.

In 1949, the Delaware River Development Corporation was established in New Jersey and by 1951 the company received a Federal Power Commission Preliminary Permit to study three suggested Delaware River power dam sites, the largest to be at Tocks Island. The proposal to build dams across the Delaware River governed by an interstate compact continued. A new group of proponents, assisted by another interstate water fight and a devastating flood, stepped forward to promote the Belvidere and Chestnut Hill dam sites while Tocks Island lurked in the shadows.²² Pennsylvania meanwhile continued to consider Walpack Bend as a possible dam site. On May 25, 1955, the Department of Forests and Waters hired the engineering firm of Albright and Friel, Inc. to review the design of the Walpack Bend dam proposal and provide 1955 cost estimates. It was clear by 1955 that plans were being made to dam the main stem of the Delaware River.

²² Albert, p. 43

The Great Flood of 1955: A Turning Point for Delaware Dam Management

In August, 1955 hurricanes *Connie* and *Diane* dumped nearly 20 inches of rain causing the Delaware River to rage and flood. These two simultaneous tropical storms caused the Great Delaware River Flood of 1955, which claimed the lives of more than 200 people and destroyed or heavily damaged several thousand homes and businesses. A thirty foot high wall of water crashed onto a clubhouse at Camp Davis killing thirty-seven young campers and their counselors. Military helicopters airlifted hundreds of more fortunate children from other flooded campsites along the Delaware. Water surges left some towns along the river under nearly ten feet of water, while four bridges between the Delaware Water Gap and Trenton collapsed, including the Columbia Portland Bridge that eventually slammed into and destroyed the Northampton Free Bridge that spanned between Phillipsburg and Easton, Pennsylvania. This tragedy in the east, where floods were uncommon, received tremendous media attention. As President Eisenhower arrived, the New York and Philadelphia media raced to the scene to report on the region's worst natural disaster, with \$500 million in property losses in thirteen states.

For many years people incorrectly credited the Great Delaware River Flood of 1955 as the sole motive for building the Tocks Island Dam. According to Albert, plans for a dam were already under consideration prior to the flood, which drew considerable attention and support for dam legislation. "The long-standing efforts of Philadelphia, Pennsylvania and New Jersey were being pursued vigorously even as the first raindrops fell."²³ After the Flood of 1955 there was a great push to dam the Delaware River and the Army Corps of Engineers were welcomed with open arms to help get it accomplished. Prior to the flood, federal involvement had been minimal. The 308 Report of 1934 and subsequent reviews could never find any justification for federal

²³ Albert, p. 52

dams above Trenton. Within a week after the flood, however, Representative Francis Walter of Easton called on the governors of Pennsylvania and New Jersey to urge approval of flood-control dams on the Delaware River. Before the flood debris was cleared, officials had Albright and Friel's engineering report on their desks. The \$70 million dam outlined in the report provided flood control, recreation, power, and water supply benefits. Located behind the dam, which was still supposed to be located at Walpack Bend, was a proposed 25 mile-long lake and profitable power facilities. "Coming right after the most devastating flood in Delaware River history, it looked particularly good," wrote Albert. He said politicians jumped on the dam bandwagon and with a flurry of resolutions, ordered reviews of old studies and new ones. There were public hearings on the extent of the flood damages and opinions were solicited on a possible dam project. "At all the hearings, local and state interests were unanimous in their desire for the federal government to take a lead role in the water affairs of the Delaware River Basin," wrote Albert.²⁴ The most comprehensive study of the Delaware River Basin had begun with reports and studies being done by numerous agencies and government departments. There was little doubt from the beginning that the survey would recommend one or more dams for the Delaware River. In February, 1957 the Corps concluded that a dam could be built at Tocks Island if an earth filled structure was used. This reservoir at Tocks Island could hold twice as much water as a reservoir built with a dam at the alternative site of Walpack Bend because Tocks was eight miles further downstream and the reservoir could flood the Flat Brook section of New Jersey. It was viewed as a tremendous cost savings and killed the Walpack Bend plan.

On March 25, 1957 the Ford Foundation awarded a \$131,000 grant for a study of potential administrative organizations for interstate river basins. The grant for the study went to Syracuse University. They recommended a water resource agency be established by compact

²⁴ Albert, p. 54

with the federal government as a partner. This agency was to have broad powers within the framework of existing federal, state, and local agencies to provide overall planning, coordination and supervision. This powerful interstate agency, the Delaware River Basin Commission, (DRBC) was composed of five commissioners, who were the governors of New Jersey, New York, Pennsylvania and Delaware and the United States Secretary of the Interior. It still exists today.

In 1960, the Corps completed the “*Comprehensive Survey of the Water Resources of the Delaware Basin.*” This eleven volume study, which became House Document 522, served for years as the basis of evaluation for the Tocks Island Dam project. The compact bill for the Delaware River Basin passed the legislatures of all four states involved. President Kennedy appointed his Secretary of the Interior, Stewart Udall, to be the chief decision-maker on the compact. Lobbying for the legislation was strong and on June 29, the House passed the measure. Udall announced that the Kennedy administration favored the compact and on September 16, 1961, the Senate passed the compact legislation unanimously. President Kennedy signed the bill into law on September 27 and thirty days later, the Delaware River Basin Compact was law. On January 1, 1962, Congress formalized the Delaware River Basin Commission and on October 23, 1962, Congress passed the Flood Control Act of 1962, which Albert said contained nearly two hundred public-works projects nationwide and the “queen of its projects was the Tocks Island Dam.”

“By the end of 1962, proponents of a Delaware River dam had every reason to rejoice,” said Albert. “All the elements needed to build Tocks Island Dam had been accomplished: federal authorization, the creation of the long-sought interstate agency, and the creation of general public support for the project. None of these had been accidents. The creation of the Tocks Island Dam project had been a well-orchestrated endeavor. After this accomplishment, building a dam would seem easy.”²⁵

²⁵ Albert, p. 67

CHAPTER II

President Johnson: The Environment, Vietnam and the Economy

What conclusions can be drawn about the history and state of the modern environmental movement by the end of the Johnson administration and what did Johnson or Kennedy do, if anything, to promote the growth of the movement during this time period when projects like the Tocks Island Dam were being routinely built? Was LBJ a conservationist or an environmental president and how did this proposed dam and national recreational park fit into his national domestic policy, especially his Great Society programs and was it affected by the War in Vietnam? Had the environmental movement grown so strong and powerful nationally that it reached the White House and influenced the Johnson Administration not to build Tocks Island, or was it just a question of economics? Just how much did Johnson personally adopt a modern environmental philosophy rather than remedial conservationism has been a subject examined by historians who have been scrutinizing the more recently released documents of Johnson's presidential papers during the past two decades.

When the Tocks project was first authorized, it seemed to have widespread appeal. The only significant opposition came from the local residents who were to be displaced. Some 600 of them filed a class action suit against the project in 1965, but the case was ironically dismissed on the grounds that the government had not consented to be sued. The Army Corps began buying property and evicting residents, but little attention was focused on the dam project itself until 1968 when two power companies proposed using Sunfish Pond near Tocks Island as the upper reservoir for a pumped storage electric generating facility. The property surrounding the pond had once been owned by the state of New Jersey, but had been sold to the power companies. The destruction of this pond, a favorite hiking destination in the Appalachian ridge overlooking the

Delaware, drew public opposition and resulted in a grassroots campaign to “Save Sunfish Pond.” This small but successful controversy drew the attention of the media and eventually junior New Jersey Assemblyman Thomas Kean who introduced a bill opposing it and urged the state to reclaim the property. Although the bill never went anywhere, eventually the DRBC caved into local pressure and the facility was built at another site, Yards Creek in Blairstown, New Jersey. Irene Travis Thompson, Professor Emeriti of Sociology, wrote:

Apart from this minor episode, environmental groups seemed favorably disposed toward the (Tocks Island) project because they saw it as an alternative to the growing commercial development of the area. The dam and associated recreation area were perceived as a way to prevent the kind of unpleasant sprawl and destruction that have taken place in the nearby Pocono Mountains area.²⁶

The Army Corps began buying small amounts of land in the Minisink area in 1965 and continued to do so throughout the late sixties despite funding cutbacks. Slowly, a controversy over the dam project began to develop and by the late 1960s the cast of opposing groups included: the Delaware River Basin Commission, the Army Corps of Engineers, the National Park Service, Congress, (especially the Public Works and Appropriations Committees,) newly established state departments of environmental protection, a variety of environmental and public interest groups especially the Environmental Defense Fund and the Save the Delaware Coalition, power companies, water supply companies, members of the fishing, farming, real estate, hotel and tourism industries, highway and construction unions, various Chambers of Commerce, local residents, and a large number of state and local officials. Some believed there was a lot of money to be made and sides had been drawn. As studies of the costs and benefits of the dam proliferated, environmental concerns seemed to serve as the dominant force behind the groups opposed to the dam, while dam proponents stressed the values of efficiency, growth, and

²⁶ Irene Travis-Thomson, “The Tocks Island Dam Controversy,” in *When Values Conflict, Essays on Environmental Analysis, Discourse and Decision*, edited by Laurence H. Tribe, Corinne S. Schelling and John Voss (Cambridge: Ballinger Publishing Company, 1976), p. 40

economics. This impasse caused the Tocks project to take on public significance at the end of the decade.²⁷ In 1973, Michael Frome, wrote what became the environmentalists' manifesto for the Save the Delaware Coalition entitled: *The Tocks Island Dam: a Preliminary Review*. Frome wrote:

Concerned citizens all over the country are watching Tocks Island. . . . This is an issue of national magnitude, in which the little people who care will have their day. It marks the dawning of a new day, when the long-range effects on the environment must be measured, understood and evaluated before the shovel is turned, not after.²⁸

Travis-Thompson called Tocks Island a turning point in environmental decision making.

"Implicitly it is also a defense against the image of environmentalists as a small elitist group who care more about rivers and fish and trees than about the exigencies and realities of human life."²⁹

In 1970, Congress ordered construction of the dam to begin as soon as approval was granted by the Council on Environmental Quality. The Corps issued its legislatively required Environmental Impact Statement in 1971, but the brief statement was met with criticism by the Council, which demanded revisions and further studies. After that, opposition gained momentum as politicians and the public turned against the project. Some believe the argument had turned around in a new environmentally friendly and conscious political climate. Others wanted to stop the creation of a huge national park with a man-made lake and recreational facilities expected to draw crowds of ten million annually from the New York and Philadelphia metropolitan areas. Surrounding small rural town residents had a xenophobic fear of being over-run by "city people." The mayor of one town in Warren County told a newspaper reporter that everyone would have to buy new locks for their doors to protect themselves from the hordes of the unwashed. Especially in New Jersey there was concern for the areas surrounding the proposed park and the costs of

²⁷ Travis-Thompson, p. 36

²⁸ Michael Frome, *The Tocks Island Dam: A Preliminary Review*, (privately-published, 1973). p. x

²⁹ Travis-Thompson, p. 37

providing expanded infrastructure such as highways, hospitals, police and fire protection and the growth of service related businesses such as hotels, restaurants, gas stations and convenience stores. Travis-Thompson wrote:

Far from protecting the area against unwanted growth, the dam came to be seen as encouraging industrial and residential development by providing more water and power and bringing in tourist and commercial development along with the recreation facility.³⁰

A small number of environmental opponents were concerned about traffic, congestion, waste disposal, seasonal drawdown, eutrophication and damage to fisheries, the yearly shad spawns and the oyster beds of the Delaware Bay. Destruction of the last sizable free-flowing river in the east, the displacement of local communities and destruction of a picturesque and historic valley became significant reasons for some people like former New Jersey Governor William Cahill to openly oppose the dam in 1972, even though credit for stopping the project is publicly credited to Governor Brendan Byrne, who voted as a member of the Delaware River Basin Commission to recommend Congress de-authorize the project. Some authors and scientists, who today consider themselves environmentalists, believe the end of the dam project was a victory for the environmental movement. Princeton Professor, Dr. Robert Socolow agreed.

“It was only the beginning of the environmental movement, but people came to understand how they had been vastly underestimating what a valuable environmental resource the area truly is,” said Socolow. “By then, we had landed on the moon and saw the earth from the outside. Ecologists, biologists, scientists began asking questions. We came to realize this dam wasn’t the big gift we had been led to think it was.”³¹

President Kennedy’s New Frontier and Johnson’s Great Society were ambitious programs that both depended heavily on economic growth. Following the stagnation of the Depression in the 1930s, World War II ignited the economy and helped create an unprecedented period of

³⁰ Travis-Thompson, p. 40

³¹ Dr. Robert Socolow, Professor at Princeton University and co-author of *Boundaries of Analysis, An Inquiry into the Tocks Island Dam Controversy*, interviewed by Kathleen Duca-Sandberg, February, 2008.

affluence that lasted for the next two decades. Population growth, suburbanization and the emergence of the Sunbelt provided additional tax resources for national security and public services. The Kennedy-Johnson tax cut signed into law in 1964 greatly expanded economic demand and expansion and fueled the vision for Johnson's Great Society domestic programs. Johnson's patriotism, political acumen, and social activism, as well as his economic inexperience, notorious obstinance, personal abusiveness and egotism all seemed to know no boundaries. "Hell, we're the richest country in the world, the most powerful. We can do it all," said LBJ. "We can do it if we believe it."³² Johnson believed the United States was the world's military defender of democracy. By the time Kennedy was assassinated, there were 16,000 military personnel in Vietnam and the United States helped overthrow the repressive South Vietnamese government of Ngo Dinh Diem. Fearful of both Eisenhower and Kennedy critics, Johnson was determined to continue fighting communism and stay-the-course in Vietnam, a decision that would later prove to be fatal to his presidency.

Domestically, Johnson was in a race to push through an enormous amount of liberal legislation aimed at improving the quality of American life and remediating the polluting effects of post World War II industrial growth. Environmental historian Samuel P. Hays said this period included a shift from concern about creating outdoor recreation and preserving wildlands and open space to more of a focus on preserving nature and ecological balance and stopping man's encroachment on nature. People in government had begun adapting environmental sensibilities and language. Modern environmentalism was slowly surfacing. Hays said traditionally, conservationists justified the utilization of all natural resources if they were used efficiently and economically, as opposed to preservationists, who wanted to save or preserve them. Within the framework of centralized federal bureaucracy, post-industrial law and policy makers had focused

³² Richard N. Goodwin, *Remembering America: A Voice From the Sixties* (New York: Harper Collins, 1995) p. 258

on utilization, sound conservation practices and of course, making money from manipulating natural resources. Naturally, there had been feuds over the control of valuable resources among those who wanted to exploit them for commercial purposes, both privately and publicly.³³ Following the Great Depression, several land and river resource development projects had been created during FDR's New Deal, including the famous Tennessee Valley Authority (TVA), a multipurpose river flood- control and hydro-electric project that created jobs and resulted in significant regional growth and development.

The modern environmental movement in the United States had its roots in the 1960s with a more public focus on preservation, balanced naturalism, anti-pollution and public health, outdoor recreation and the development of the ecological sciences. The concept of "environmental protection" is often linked to the idealistic sixties generation and was frequently and negatively associated with the anti-war, civil rights and anti-poverty movements. As it evolved and gained popularity, the environmental movement cut across various political and demographic boundaries. Uncontrolled economic growth and wasted resources began to outrage avid environmentalists, who had formed national advocacy groups such as the Environmental Defense Fund and the Natural Resources Defense Council by 1970. The National Environmental Policy Act of 1969 signified the first active political participation in the shift from conservation to environmentalism, but Lyndon Johnson's presidency had ended during the middle of this transition period and so did the funding for Tocks Island Dam.

Both Kennedy's and Johnson's concerns for the environment were rhetorical and reactive. Interior Secretary Stewart Udall, who served both presidents, said Kennedy knew the issues and

³³ Samuel P. Hays Interview, *Environmental History* 12.3 (2007): <http://www.historycooperative.org/journals/eh/12.3/hays.html>. Nov. 9, 2010.

recognized their importance, but never raised any issues of environmental concern himself.³⁴

Udall said Johnson incorporated a great deal more environmental philosophy into his Great Society legislation, including nearly three hundred conservation measures, but many of these issues were included in Great Society legislative programs because they were holdovers from the Kennedy administration or because Johnson had ordered his special assistant for domestic affairs, Joseph Califano, to gather and prioritize the most urgent social needs facing the nation and had the young lawyer create a "shopping list" of Great Society issues and programs that warranted intervention by the federal government.

Declassified primary source documents in the LBJ Presidential Library, part of the "American Presidency Project," prompted historian Robert A. Divine to edit a compilation of articles that were a revisionary examination of the Johnson presidency. In this volume, environmental and public policy historian, Martin Melosi, asked an important question: Was Johnson's new conservationism really new?³⁵ While Johnson's idealism was mostly tempered by political pragmatism and numerous historians and biographers have concluded he had no true personal commitment to the growing environmental movement, Hays said he believes the Johnson administration should be viewed as a transitional period in the evolution from old-style conservationism to modern environmentalism.³⁶ In his conclusions about the Johnson administration's conservation achievements, Udall said he tried to alert Johnson that trends towards total environmental awareness and quality of life were becoming the central focus of "new conservation."

³⁴ Stewart L. Udall, *The Quiet Crisis* (Holt, Rinehart and Winston, New York, 1963) p. xiii.

³⁵ Martin V. Melosi, "Lyndon Johnson and Environmental Policy," in *The Johnson Years Volume Two: Vietnam, the Environment, and Science*, ed. Robert A. Divine (University Press of Kansas, Lawrence, 1987) p. 113

³⁶ Samuel Hays, *From Conservation to Environment: Environmental Politics in the United States since World War II*, *Environmental Review* 6 (Fall, 1982): pgs.24-27

"Well, he was always receptive," said Udall. "Basically his instincts were very good, as I say the instincts of a rural person who has a feeling for the land and who came up through the New Deal (when Roosevelt with the country flat on its back, said,) "Well let's start rebuilding," and you started with the land, building dams and soil erosion, replanting forests. It was a great concept."³⁷

Melosi said Johnson took advantage of the growing environmental movement when it served his needs, but his usual motives were often insipid and he was distracted by partisan considerations and preoccupied by the Vietnam War. He unintentionally let his administration develop and propose environmental policies and legislation and relegated national "beautification" programs to his genuinely capable wife, First Lady Bird Johnson that included removing billboards and junkyards from highways, anti-littering campaigns and the creation of new national parks. There are several famous White House photos of the First Lady being guided down the Colorado River or through the Redwoods accompanied by Udall. "By happy coincidence, rising grass-roots interest in quality of life issues tapped the spirit of the Great Society that President Johnson envisioned," wrote Melosi.³⁸ However, even after the Department of Environmental Protection had been established later during President Nixon's administration, environmental programs remained diffused and policy fragmented. There was only minimal federal environmental protection before Nixon with little environmental concern being raised by lawmakers about Congressional dam building projects like Tocks Island.

Udall wrote that he personally had an "environmental epiphany" and began to refocus his orientation after reading Rachel Carson's ground breaking environmental book, *Silent Spring*, on the harmful long-term effects of the pesticide DDT. Like thousands of others who read it at the time, this book caused Udall to realize how vulnerable and fragile the earth's ecosystems were and how we were carelessly destroying them. Udall slowly began to reshape his department's

³⁷ Stewart L. Udall Oral History Interview I, 5/19/1969, by Joe B. Frantz, Transcript, Internet Copy, UBL Library, p. 22.

³⁸ Melosi, p. 122

goals and was full of new ideas and promoted new legislation to expand his department. During his tenure he managed to help pass landmark legislation to protect the natural "beauty" of the land and curb pollution. "In fact, the only brake he ever felt was in the latter years of the Johnson administration when the war in Vietnam squeezed his budget, a victim of guns over butter," wrote Bernstein.³⁹ The Great Society laws passed attributed to the Johnson's administration included: the Clear Air Act; the Wilderness Act of 1964; Water Quality and Clean Water Restoration Acts and Amendments; the 1965 Solid Waste Disposal Act; the 1965 Motor Vehicle Air Pollution Control Act; the 1968 Aircraft Noise Abatement Act; the 1968 Wild and Scenic Rivers Act and the 1968 National Trail System Act. These laws provided the rationale for later creating the Environmental Protection Agency and the controversial Superfund that imposed government financial penalties on polluters. However, Bernstein pointed out that during the latter part of the decade, funding became a major problem because land prices, pushed up by the inflation of the Vietnam War, were appreciating at a rate of ten percent a year. According to Bernstein, by January, 1967 Udall informed the Bureau of the Budget that the shortfall for the next decade could be \$2.5 billion. Melosi further quoted Bernstein:

The overarching goal of the administration—if there was one—was to wed concern over the environment to the larger goals of the Great Society. This meant identifying with continuing congressional efforts at environmental reform or writing new legislation. These programs also fit the spirit of the Great Society and firmly grounded the "New Conservation" in traditional conservation causes.⁴⁰

Udall said however that the Vietnam War and countless domestic programs such as Social Security and civil rights consumed Johnson's time and his presidency. They rarely spoke.

"The very name "New Conservation" suggests a looking backward as well as a looking ahead," wrote Melosi. "While environmental activity was vigorous, some programs were merely extensions of Progressive Era or New Deal resource

³⁹ Irving Bernstein, *Guns or Butter: The Presidency of Lyndon Johnson*, (New York, Oxford University Press, 1966) p.266

⁴⁰ Melosi, pgs. 128-130

management; others were focused more clearly on anti-pollution and other quality of life issues. In some cases the administration was a leader, in some a follower, in others a usurper. Despite Udall's claim, the New Conservation was not a coherent, consistent program."⁴¹

Johnson's national economic woes had a tremendous impact on funding for projects such as the Tocks Island Dam that had prohibitive cash flow problems to begin with. Cost estimates continued to rise and topped out at more than \$415 million when the project was finally de-authorized by Congress. Udall recalled working within the Johnson administration.

"He (LBJ) was very good (prior to 1966) particularly before the budget crunch got on. He wanted new programs," said Udall. "He wanted to be innovative. His ideal was Franklin D. Roosevelt. He thought about the land a lot the way Roosevelt did. Roosevelt was his idol and you could come up with a good idea and (tell Johnson)"This is good for the land and good for the people," and he bought it."⁴²

On February 8th, 1965, LBJ conveyed a special message on conservation and the restoration of natural beauty, which exemplified his transitional "new conservationist" outlook, to Congress. He proposed the establishment of twelve new national parks, including a park surrounding the Tocks Island Reservoir, which would be created by damming the Delaware River. At the same time Johnson announced he would soon be sending Congress a bill to establish a national wild rivers system, "to identify and preserve free-flowing stretches of our great scenic rivers before growth and development make the beauty of the unspoiled waterway a memory," the President announced. "The full funding of the Land and Water Conservation Fund will be an important step in making this a Parks for America decade."⁴³ He proposed using this

⁴¹ Melosi, pgs. 117-118

⁴² Stewart L. Udall Oral History Interview II, 5/19/69, by Joe B. Franz, Transcript, Internet Copy, LBJ Library, p. 19

⁴³ President Lyndon B. Johnson's Special Message to the Congress on Conservation and Restoration of Natural Beauty, 2/8/65, The LBJ Library, <http://www.lbjlibrary.org/collections/selected-speeches/1965/02-08-1965.html>

fund to the acquire land needed to establish the Tocks Island National Recreation Area. So, at the same time he proposed establishing national parks to preserve natural resources and a measure to protect America's rivers, he was going to accomplish these innovations by building a dam on one of the few remaining free-flowing rivers in the United States and creating a fund that would be used to displace thousands of home and landowners who were in the way. The dutiful Army Corps of Engineers were given their marching orders. For several years this proposal received sustaining support from a myriad of local representatives who believed their constituents might somehow benefit from such a grandiose feat of modern engineering. In the same speech, LBJ ironically said he would support the National Trust for Historic Preservation, chartered by Congress in 1949, because citizens were rallying to save landmarks of beauty and history. LBJ said he intended to propose legislation to authorize grants to help local authorities acquire, develop and manage private historical properties and he called the Registry of National Historic Landmarks, which received no federal funding at all, "a fine program." One would have to conclude that the historic landmarks and natural landscape of the Minisink Valley doomed to become the bed of Tocks Lake did not fit into this cost-conscientious equation.

LBJ's Choice: Guns or Butter and the Economic Impact on Tocks Island Dam

Late in his life and well after he became a celebrated author and self-proclaimed environmentalist, Stewart Udall wrote that damming the Delaware River "took on national significance by becoming a struggle that dramatized the evolution of the environmental movement in this country."⁴⁴ For Udall to have placed such historic significance on the proposed dam and the key role he played in the creation of both the dam and surrounding national park is

⁴⁴ Albert, Foreword by Stewart Udall, p. xiii

surprising given the fact that there are only a handful of documents pertaining to these projects in Udall's personal papers housed at the University of Arizona. However, his statement helps to better understand the main argument of this thesis--that construction of Tocks Island Dam was not stopped simply because of growing concern for the environment or because growth of the environmental movement itself empowered national leaders to adopt anti-dam or protective policies for natural resources such as rivers. It was a complicated struggle that evolved over a long period of time and was absorbed by the growing environmental movement later in the 1970s and 80s, but to better understand its creation and collapse, it is necessary to place it historically within the relevant political and economic framework of the Johnson presidency and ask why this project was so important to so many people? How did American involvement in the War in Vietnam, Johnson's domestic Great Society programs and the economy affect the demise of Tocks Island dam?

In the introduction of *The Johnson Years, Volume Two: Vietnam, the Environment, and Science*, editor Robert Divine examined historian Larry Berman's revealing assessment of Johnson's Vietnam policy, his fateful 1965 decision to fully involve the United States in ground fighting in South Vietnam and the flawed advisory process Johnson used to reach that decision. Many historians had previously claimed LBJ waffled about Vietnam and was essentially talked into involving the United States in full-fledged war. "Berman believes that LBJ never had any intention of pulling out of Vietnam," and this advisory process was just a façade to legitimize the prearranged decision to escalate. There was "no fair weighing of the alternatives," wrote Divine. Berman agreed and called Johnson a "master of consensus" engaged in a "delicate exercise of political juggling."⁴⁵ The advisory process was used "to legitimize a previously selected option

⁴⁵ Divine, p. 13

by creating the illusion that other views were being considered.”⁴⁶ Many historians and biographers agree the tragic and fatal misjudgment of Americanizing the Vietnam War was due to LBJ’s dedication to his Great Society legislation and programs, which marginally included Tocks Island Dam. By the time the United States was fully engaged in the war, Congress had already passed 36 major pieces of Great Society legislation, but another twenty-six, including the immensely important Medicare and civil rights bills were still waiting. Divine said LBJ was both reluctant to withdraw from Vietnam and unwilling to sacrifice his domestic reforms. Berman concluded:

The result was inevitable: the Great Society would crumble and he would lose in Vietnam. Johnson was the cause of his ultimate undoing; the master manipulator had finally undertaken a political juggling act that was beyond even his great skill.⁴⁷

There are a number of critical examinations of LBJ that provide important insight into his personal character and political motivations. Some historians, like Berman and David Halberstam depicted LBJ to be an ambitious and immoral master of manipulation and deception, concerned with securing his place in history by emulating his idol President Franklin Roosevelt. Believing his Great Society programs to be an extension of the New Deal and motivated by his insecure fear of criticism and his distrust of former Kennedy staffers, his need to implement and/or outdo Kennedy policies and his well-known bitter relationship with Robert Kennedy, some historians believe Johnson misjudged the need for American involvement in the war and relied too heavily hawkish advisors. On the other hand, former deputy national security advisor to LBJ, Francis Bator called Johnson a “formidable bargainer.” Bator said LBJ’s Vietnam policy revolved around his domestic programs and legislation based on proposals from fourteen task

⁴⁶ Divine, p. 14

⁴⁷ Divine, p. 14

forces the president had commissioned on education, the environment, poverty and the cities, “the entire Great Society agenda—was sitting on his desk and the cities were about to burn.”⁴⁸ While trying to juggle it all, including Civil Rights marches and riots, Bator said Johnson lost credibility because he chose to partially disguise the Americanization of the war. He avoided Senator Jacob Javits invitation to debate the war in the Senate. Historians Bator, Berman and Halberstam agree Johnson sought to avoid a grand debate on Vietnam because he feared that it would embolden political elements that would derail his legislative programs. Instead he internalized and expanded the powers of the executive branch and did not ask for a declaration of war. The Vietnam War deprived LBJ’s domestic programs of money. Bator wrote there was nothing that LBJ cared more about in July 1965 than completing and extending the old Roosevelt New Deal programs that had stalled in 1938. Bator wrote:

He knew that an honest discussion of the (war) would provoke a coalition of budget balancers and small-government Republicans, who balked at the high cost of guns and butter, and Deep South senators, who were determined to block civil rights legislation. And so, to avoid a Vietnam versus Great Society debate that might destroy his social and civil rights legislation, Johnson sidled into war with minimum fuss, no prime time speech, no new resolution, no call-up of reserves, no tax increase, no drumming up of support. No change in policy.⁴⁹

To protect his dreams of social reform, Johnson paid the enormous price of marching into a war he knew could not be won. He flatly turned down his Treasury Secretary’s repeated recommendations during 1966 and 1967 that he prevail on the House Ways and Means Committee to pass the tax bill by calling it a “war tax”⁵⁰

Economic historian, Donald F. Kettl wrote that American involvement in Vietnam grew rapidly after June 1965 and so did the cost of the war. He said Johnson however waited two

⁴⁸ Bator, p. 4

⁴⁹ Bator, p.11

⁵⁰ Bator, p.14

years before submitting a plan to increase taxes to pay for it, and then waited another year to implement the plan—stalling almost to the end of his presidency. Johnson assured Congress that the United States could afford both guns and butter.

Time may require further sacrifices," Johnson acknowledged in his 1966 State of the Union message, "and if it does, then we will make them. But we will not heed those who would wring it from the hopes of the unfortunate here in a land of plenty. I believe we can continue the Great Society while we fight in Vietnam."⁵¹

It was a juggling act and Johnson simply did not have the revenue to pay for it all, including expensive dam projects or other marginal social improvements he had slated as part of his Great Society program.

Kettl recalled the 1972 *Atlantic Monthly* article by David Halberstam, "How the Economy Went Haywire" and noted that Presidential advisor Bill Moyers called the delay in seeking the tax increase, "the single most devastating decision in the Johnson administration" that helped to undercut the base of his internal support, "a time when he lost control of the administration, lost control of events," said Moyers. The three year delay in establishing a tax increase to help pay for the war fueled economic growth and unprecedented inflation. "The struggle over the tax surcharge was the keystone of Lyndon Johnson's tragedy," wrote Kettl.⁵² Historians have long agreed Johnson believed that any tax increase would endanger his social programs, prompting an anticipated conservative backlash against the Great Society. Johnson was eager to minimize the fiscal burden of the war and protect the Great Society from congressional antagonists. Several historians claim Johnson deliberately withheld cost estimates of the war for a year to weaken the case for a tax increase. Kettl observed:

⁵¹ Joseph Thornbrite, "Historical Perspective: Sacrifice and Surcharge," Tax Analysts, 2005: <http://www.taxhistory.org/thp/readings.nsf>, p. 1

⁵² Donald F. Kettl, "The Economic Education of Lyndon Johnson: Guns, Butter, and Taxes," in *The Johnson Years, Volume Two: Vietnam, the Environment, and Science*, edited by Robert A. Divine, (Lawrence, University of Kansas Press, 1987) p. 54

Halberstam delivered a tough indictment: Johnson had lied to Congress, the American public, and his own staff about the real costs of Vietnam. Johnson sought, instead, guns and butter—heavy Vietnam spending, coupled with an expansive Great Society. It was a living lie, which in the end created economic chaos.⁵³

Julian E. Zelizer, a public affairs historian and economist, wrote that Congressman Wilbur Mills, the powerful Chairman of the House Ways and Means Committee and fiscal conservative, believed the Revenue Act of 1964 which cut taxes would stimulate economic growth and create full employment. Zelizer said Mills believed in reducing taxation instead of increasing public spending to spur growth. Instead, the government continued to boost consumption by spending billions on military operations, weapons manufacturing and military bases. In 1965, while members of the Council of Economic Advisors pressed for tax increases, Johnson was getting bad advice from Mills not to include the costs for the Vietnam War in the budget and instead request a supplemental appropriation to pay for it. Johnson feared the Great Society would become a partisan target for those opposed to his expanded social programs. Kettl said Johnson delayed any decision on a tax increase in 1965 then deliberately stalled from 1966 to 1968 as inflation replaced economic growth as the key issue at the top of the national political agenda. The fiscal 1967 budget, announced in January 1966, underestimated defense expenditures by sixteen percent, which had grown from \$6 billion to \$20.6 billion in just one year. According to Kettl, this and subsequent defense budget under-estimates led to a duplicitous image of Johnson. Inflation continued to mushroom and a minor tax increase at the beginning of 1966 did little to stop the “hemorrhage of military spending.”⁵⁴ Congress had to appropriate more and more supplemental funds for Vietnam, \$13.8 billion in the spring of 1966 and a huge \$58 billion defense appropriation for fiscal year 1967. Kettl said Johnson again

⁵³ Kettl, p. 55

⁵⁴ Kettl, p. 63

refused to agree to a tax increase and ordered his staff to stop issuing any public statements about the state of the economy and the need for tax revenue.⁵⁵ Halberstam said less than a handful in Congress supported a possible tax increase anyway because Johnson consciously chose not to disclose the real cost of the war. "It was an extraordinary bit of manipulation, the single most irresponsible act by an American President," wrote Halberstam.⁵⁶ Instead, Federal Reserve Chairman William McChesney Martin predicted he could curb inflation through tighter monetary policies and higher interest rates, a weakening of the savings-and loan industry, the municipal bond market and housing construction. Johnson unfortunately believed him.

In the fall of 1966 when Johnson's advisors began working on the next fiscal year budget, they finally agreed there was a need for a tax increase. They called for immediate action to reduce spending and to impose whatever tax measures necessary to pay for Vietnam. Johnson reluctantly agreed with them and sent a special economic message to Congress announcing he was imposing immediate spending cuts of \$1.5 billion. At this point, things were not too bad. The deficit for fiscal 1966 was less than \$4 billion, but very soon the economy was out of control. Budget deficits had grown to unprecedented levels and there were early signs of serious balance of payments problems with foreign countries. Thorndike said Mills did not like the tax surcharge and did not think it would pass Congress. He would only agree to any tax increase as long as Johnson cut discretionary spending. In a July 19, 1967 memo, Califano fortuitously warned the President that Mills was going to be a problem. The constitution requires all tax measures originate in the House and House procedures required tax bills to originate in the Ways and Means Committee. Mills effectively refused to report the bill out of committee. Mills first insisted Johnson cut \$4 billion in expenditures and kept increasing that amount until after

⁵⁵ Kettl, p. 63

⁵⁶ *Ibid.*

Johnson announced he would not seek re-election, when a new phase of negotiations with Mills resulted in his demand for \$5 billion in immediate cuts and \$20 billion in cuts to future appropriations. “His position was Johnson would have to choose between guns and butter,” wrote Kettl. “Mills would move toward restraint, but he preferred cutting the Great Society programs to increasing taxes.”⁵⁷ Kettl added that Budget Bureau studies showed the administration could cut no more than \$4 billion without deeply hurting the Great Society. Califano urged Johnson to fight Mills and Senate leaders circumvented Ways and Means by attaching the surcharge to an innocuous Senate bill that Johnson signed into law. It included compromises that required \$6 billion in immediate spending cuts and a future cut of \$8 billion in appropriations. This actually favored Mills in current spending cuts, but enabled the administration to salvage \$11 billion less in future cuts than Mills had wanted, however these cuts were unprecedented. “Congress for the first time in history, set a ceiling on federal spending,” according to Kettl. “Congress told the president how much to cut—but not where.”⁵⁸

Years later, a reflective Johnson said he would not have changed his decision to recommend guns and butter budgets to Congress, decisions Kettl wrote, “Were far more complicated than the argument that Johnson lied to protect both Vietnam and the Great Society.”⁵⁹ White House economists underestimated the degree to which Vietnam was fueling the economy in late 1965 and they overestimated the slowdown that occurred in late 1966 and early 1967. The federal deficit grew rapidly from \$3.8 billion in fiscal 1966 to \$8.7 billion in 1967 and \$25.2 billion 1968. Growth in spending for Vietnam greatly added to the deficit, but increases in Great Society programs and the slowdown in the economy significantly caused it to increase as well.

⁵⁷ Kettl, p. 68

⁵⁸ Kettl, p. 71

⁵⁹ Kettl, p. 72

Johnson's national economic woes had a tremendous impact on funding for projects such as the Tocks Island Dam that had prohibitive cash flow problems to begin with. According to Albert, the dam was in financial trouble almost as soon as it was authorized by Congress in 1962 when the original cost estimate was only \$90 million. Cost estimates continued to rise and topped out at more than \$415 million when the project was initially scrapped in 1975. Albert concluded:

The impact of the Vietnam War on Tocks funding was almost immediate. Just as the dam was being funded, domestic spending programs were being cut. Inflation, heated by the budget deficit began rising. Externally, the project was competing for dollars that were being sent to fight Communism in Southeast Asia. During the second half of the 1960s there just wasn't enough money in the federal treasury to build grand dam projects in the Minisink Valley and also wage war.⁶⁰

In 1966 The Army Corps received \$1.2 million for Tocks for the fiscal year 1967 when construction was supposed to begin; however, rising land acquisition prices caused major delays. Udall recalled how difficult it became to find funding for land acquisition for national parks and that the War in Vietnam put a major squeeze on his budget. His statement supports the theory that a lack of funding stalled the entire Tocks Island Dam project.

"I would say the one really major disappointment to me was when the Vietnam War really began to be felt," said Udall. "The last three years were essentially tightening down; slowing down programs and the expansion that we had experienced previously was slowed down. I'd say through 1965 our budgets were growing and we were really thriving. Then it became a kind of hold-the-line operation beginning in '66."⁶¹

Udall also had to contend with the Army Corps of Engineers, Congressional dam builders. In an interview Udall discussed conflicts between the Department of the Interior and the Army Corps of Engineers that continued to be a major problem as the 1960s progressed.

⁶⁰ Albert, pgs. 75-79

⁶¹ Udall Oral History Interview II, p.18

“The Corps and the Bureau of Reclamation arise out of the great momentum of the dam building movement that began in the New Deal Days,” said Udall. President Kennedy was in favor of building dams and Johnson inherited many of his programs including Tocks Island Dam.

While many of Johnson's other domestic programs were sacrificed, the question—how a marginal program like the Tocks Island Dam and National Recreation Area managed to escape the chopping block completely—remains unanswered. One possible answer is given by historical biographers who agree Johnson simply refused to let go of anything and while he begrudgingly allowed programs and projects to suffer severe budget cutbacks, he kept them alive hoping he would find the funding to later resurrect them. Secretary Udall suggested another explanation might come from a close examination of who supported building dams like Tocks Island and why. Udall concluded:

The Corps of Engineers—with the authority they had—they were given a very broad authority by Congress. Most Congressmen under the old pork barrel system, regarded this as a beneficial thing, something good for the country and they'd go home with their projects and feel that they brought the bacon home for the people . . . but increasingly these activities came under question. Conservationists did not want dams in certain areas. So, we began confrontations with them. Congress began to put little amendments on bills giving Interior a right to review certain things. The Corps didn't like any of this. Their Congressmen didn't either. . . I found myself as the decade wore on increasingly questioning myself some of their major dam building projects that at the beginning of the 1960s had appeared to be a sort of sacred cow . . . usually, no one was supposed to have a say about it except the concerned Congressmen, the people in a given state and the Corps. . . but it wasn't easy and you had to fight them every step of the way.⁶²

⁶² Udall Interview V, pgs. 10-11

CHAPTER III

Is it a Dam, a Lake or a Pork Barrel Park?

From the time preliminary plans for a dam on the Delaware River were first discussed, there were organizations such as municipal utilities and unions, businesses, and private individuals who all stood to make a good deal of money. These entities were not only banking on the obvious sources of Tocks project revenue—water and hydro-electric power, but recognized they could make a great deal of money in real estate brokering, building and construction and owning businesses that would support the huge crowds of anticipated park tourists. These entrepreneurs became the biggest supporters of Tocks Island Dam, not because they supported dam building, but because they wanted the enormous man-made lake it would create surrounded by one of the biggest national parks in the country. The federal government was providing them an open opportunity to make money at tax payers' expense and they mustered all the political support they could get. On the other hand, there were some long-time residents, like Nancy Shukaitis, who despite knowing they were losing their homes or farms, remained stewards of the Minisink Valley and hated to see the area fall prey to such commercial development. This chapter will examine the underlying political “pork barrel” support for Tocks Island Dam, a project that by all means should have never lingered into the 1970s once funds were cutback.

Definition of Pork Barrel Legislation: A political term in the post-Civil War era. The term comes from the plantation practice of distributing rations of salt pork to slaves from wooden barrels. When used to describe a bill, it implies that the legislation is loaded with special projects for members of Congress to distribute to their constituents back home at the cost of the federal taxpayer.⁶³

⁶³ www.congresslink.org/print_teaching_glossary.htm

Udall ironically told interviewers for the Presidency Project of the LBJ Library that the early environmental movement suffered congestive problems at the national level especially from lobbyists and powerful legislators from western states, who wanted to protect specific industries such as mining and oil. This was ironic because Udall was just as involved in protecting special interests and returning favors to those who had helped him move key legislation along.

The Wilderness Act signed by Johnson in 1964 was considered very controversial and was heavily opposed by conservative Colorado Congressman Wayne Aspinall, longtime chair of the House Interior and Insular Affairs Committee and an adversary of the budding environmental movement. Clearly protecting his constituents' interests, Aspinall fought nearly all legislation and programs associated with Udall and the Department of the Interior and called environmentalists "over-indulged zealots" and "aristocrats" to whom "balance means nothing."

The controversial fight between the federal government and states over public lands in the United States is a subject for inquiry and historic analysis by itself, but basically according to Udall, Presidents Kennedy and Johnson both attempted to encourage the right kinds of development at the federal level and expand or limit the role of the federal government where it was deemed necessary in particular states. "The attitude you got at the state level to too much a degree was based on local pressures, local considerations, and it didn't always accord with the best conservation practices and principles," said Udall.⁶⁴ Aspinall would not let a bill leave "his" committee unless he approved it and this particular fight was over states rights versus expanding federal powers over land and the natural resources contained therein by allowing the Department of the Interior to classify public lands and evolve management programs that had the potential to be friendly or influential to certain industries or private interests. Aspinall either believed

⁶⁴ Udall Interview V, p. 7

individual states should retain these responsibilities or he did not want any new federal government agencies interfering or usurping control and backing special interest groups other than those already in place. However a closer study shows that in this alleged east versus west fight, Udall was just as interested in protecting the special interests of certain politicians associated with Tocks Island, who could help him get other national legislation passed and win his battles with Aspinall. Udall said he owed political favors.

Even though a President proposed it (legislation), a congressional committee wouldn't even hold hearings for three years. That's the kind of opposition we had. The device I used was to work with the (Interior and Insular Affairs) committee members who were for it. And particularly Congressman Saylor of Pennsylvania became one of the outstanding advocates. He just constantly kept the pressure on Aspinall. . . so finally he yielded and he got some concessions on his mining phase out. This was a kind of horse trading. I would work with Saylor and others on the committee and they'd keep nagging at him.⁶⁵

The Wilderness Bill, introduced by Hubert Humphrey in 1957, was violently opposed by western politicians such as Aspinall and the debate over public lands dragged on until Johnson finally was able to sign the bill in 1964, however as early as 1962, the *New York Times* reported Udall had endorsed legislation to establish a national recreation area in Pennsylvania and New Jersey, surrounding the site of the Tocks Island Dam, which had already been authorized by Congress. Under a new policy agreement between the Army Corps and the Interior Department's Bureau of Reclamation, enough land was to be acquired around reservoir sites to provide for public recreation areas. Udall claimed the proposed Delaware national park, with nine major recreational sites, would benefit 65 million people. Early attempts at bills authorizing the Tocks Recreation area were introduced via committee by Senator Clifford Case, (R-NJ), Rep. Frank Thompson (D-4th District-NJ) and Harrison Williams, (D-NJ) These early attempts died in committee, mostly due to Aspinall, but in 1964, coincidentally, the same year the Wilderness Bill

⁶⁵ Udall Interview V, p. 8

became law, legislation was re-endorsed with renewed vigor by New York Governor Nelson Rockefeller and other members of the Delaware River Basin Commission: Governors Richard Hughes of New Jersey; William Scranton of Pennsylvania; and Elbert Carvel of Delaware. Rockefeller's public endorsement was announced at the same time he was elected to replace Udall as chairman of the DRBC. Cleverly once this battle appeared to be drawn at the state level with Udall and the Department of Interior fading into the background, Rockefeller along with others who had powerful eastern state-based political interests, including the Kennedys, upstaged Aspinall. The new national recreation area, awaiting Congressional approval, would need to add another \$37 million in land acquisition costs to the \$95 million needed to build the dam. With necessary funding and political support believed to be in place, Col. E.P. Yates of the Corps of Engineers predicted that Tocks Island Dam would be completed as early as 1972, however, as discussed previously, funding the war in Vietnam caused budget cutbacks that forestalled this process.⁶⁶

Roger Kennedy, (no relation to JFK) director of the National Parks in the 1990's said Udall pushed to create similar parks on the Jersey Shore and Cape Cod in order to stop development, but instead these "parks have become beacons for lucrative tourism." Kennedy said Udall used his political acumen and political allies well and understood that "public lands like parks enhanced the economic value of privately held land nearby."⁶⁷ In 1962 Udall told William Blair of the New York Times, that if "you asked the President (Kennedy) to single out the five or six most important things, he would name this (Tocks Island Dam) as one. Congress should not get bogged down in the argument over the need for comprehensive water resources

⁶⁶ New York Times, "Udall Predicts Quick Approval for US Park Near Water Gap" by George C. Wright, Feb. 28, 1964, p. 33

⁶⁷ New York Times, "Stewart L. Udall: Conservationist in Kennedy and Johnson Cabinets, Dies at 90," by Keith Schneider and Cornelia Dean, March 20, 2010, NY Region, p. A22

planning," said Udall.⁶⁸ And he was right; the need for creating a water resource was hardly the issue at all, just one of many thinly veiled selling points used by those who had much more to gain by the creation of this proposed dam and park.

During his battles with Aspinall and debates over the future of public lands Udall had formed an alliance with Congressman John Saylor, 22nd District of Pennsylvania, who sat on the Interior and Insular Affairs and Veterans Committees and the following subcommittees: Territorial and Insular Affairs, Irrigation and Reclamation, Public Lands, Indian Affairs, Mines and Mining and National Parks. Saylor and Udall had a lot of common interests including Tocks Island. Evidence of massive lobbying efforts are contained in Saylor's personal papers on Tocks Island Dam and newspaper clips housed at the Indiana University of Pennsylvania. Surprisingly, there are very few articles or papers in the libraries of number of prominent politicians who were closely associated with Tocks Island, including Louisiana Senator Allen Ellender, Chairman of the Senate Appropriations Committee, New Jersey Governor Brendan Byrne and Secretary Udall. However, the papers of Congressman Saylor contained hundreds of letters of correspondence concerning Tocks Island mostly from the Water Resources Association of the Delaware River Basin, (WRA-DRB or simply WRA) an organization that claimed to represent more than 500 supporters of the dam and the national recreational park, and its off-shoot organization the Tocks Island Regional Advisory Council.

Still in existence today, the WRA was established in 1959 as a non-profit and self-proclaimed non-partisan advocacy group to promote "sound water resource management in the Delaware River Basin." Back then, the group was composed of mostly private businessmen, some water, power and utility companies, sewage companies and government and municipal agencies. There were no environmental interests represented in this organization that claimed

⁶⁸ New York Times, "Recreation Areas in East Proposed" by William M. Blair, March 3, 1962, Sports, p. 17

they helped to establish the Delaware River Basin Commission.⁶⁹ Leaders and members of the WRA emphatically endorsed the dam and the park, distributed pricey color pamphlets and brochures, made speeches, held conferences and conducted publicity campaigns, issued press releases to the media and made a documentary film that called for united lobbying efforts to persuade Congress to act on the dam's construction.⁷⁰ The WRA, later headed by President Frank Dressler, really represented many organizations and people who stood to benefit from the Tocks project including the vacation resort industry, unions and other labor groups, builders, land speculators, private utilities, economic development organizations and members of various Chambers of Commerce and land speculators.

The WRA had conducted their own impact studies on employment, income levels and the tax base for the five counties to be involved in the recreation area and members were fully aware of who stood to benefit and kept pushing for enactment of the bill. Dressler offered federal authorities assistance in assessing changes in land use, transportation, utilities and other public services and how to cope with any other anticipated problems resulting from the Tocks Island Recreational Area. Dressler indicated the WRA would volunteer to act as a liaison inter-agency committee to keep local governments informed and as an advisory liaison between the Army Corps of Engineers and the National Park Service. He even wrote to Aspinall urging him to change federal policies regarding federal reimbursement of temporary lost tax ratables to counties and municipalities during the land acquisition process. He urgently lobbied Saylor and other representatives to have the recreation area created as expeditiously as possible. "Land values in the region are rising so sharply that if action is deferred on the authorization bill until

⁶⁹ <http://www.wradrb.org/whoiswra.asp>

⁷⁰ Albert, p. 82

an impact study is completed and all problems are carefully considered, there may be no action on the recreation bill at all," wrote Dressler.⁷¹

Another effect the War in Vietnam had on the demise of Tocks Island was giving property owners and real estate investors time to speculate on land and escalate the prices of property everyone knew the government would need to buy. Land acquisition for the national park did not begin until 1967 and there were funding problems almost as soon as it was authorized. "The recreation area was affected by cutbacks due to the Vietnam War, but to a lesser extent than the dam project. The price for land was the major dollar problem for the National Park Service," wrote Albert.⁷² The agency had been given only \$37.5 million to purchase 47,675 acres of land and the price kept escalating. The price of real estate, both inside and on the outskirts of the site doubled and sometimes tripled as early as 1965, according to local news articles. One real estate salesman told the *Pocono Record* his firm had received hundreds of calls and visits from large investors in both New York and Philadelphia. At that time, the Army Corps estimated it would need to acquire nearly 50,000 acres of land on both sides of the Delaware. "Owners within the dam area are placing high and often unreasonable price tags on properties because they think the government will pay. Owners see this as a way out," wrote the unidentified salesman. He said speculators were willing to invest large amounts of money for land even though the exact boundaries of the recreation area had not yet been determined. Another ad in the *Wall Street Journal* offered 625 choice acres on the Delaware River for sale. "This offering is particularly attractive because of its involvement in the scheduled establishment of a thirty-seven mile lake and the National Park surrounding the lake—already approved by Congress." Lewis and Haring Realtors in Newton,

⁷¹ Letter from Frank Dressler to New Jersey Congressman William B. Widnall, January 25, 1965, Papers of Rep. John Saylor, Special Collections and Archives, Indiana University of Pennsylvania. Saylor was copied on this letter.

⁷² Albert, p.86

New Jersey claimed the property had "built-in value for any negotiations with the government—condemnation is scheduled within three to four years."⁷³ *The Newark Sunday News* ran ads offering summer homes for only \$3,495 or lots were offered for \$279, requiring a down payment of only \$15 and \$5 payments per month at Blue Mountain Lakes, within the boundaries of the recreation area. "Persons purchasing land now may expect to earn a profit between their purchase price and the fair market value which the Government must pay at the time of acquisition," the ad proclaimed.⁷⁴

One of the largest slated developments was Hidden Lake in Monroe County, PA within the park's proposed boundaries and only two miles from Tocks Island itself. This picturesque 390 acre private vacation community surrounding its own 40 acre lake was being priced beyond any possibility of public use and the owners, Western Heritage Properties, Ltd., a Toronto corporation, were being protected because the president of WRA at the time, prior to Dressler was Charles R. Bensinger, a Stroudsburg, Pennsylvania attorney, who sat on the development corporation's board of directors. It had sold twice within one year, doubling in price the second time. A neighbor and later ardent leader of the anti-Tocks movement, Nancy Shukaitis, publicly accused Bensinger of conflict of interest during her testimony to the House Subcommittee on National Parks on June 9, 1964. Apparently the Board of Directors or Western Heritage thought it would be advantageous to have a resident of the Poconos region who was thoroughly familiar with the area, on their board. Bensinger was already the corporate local counsel and a stockholder before elected to the board in 1963. Saylor reacted by saying he would look into the matter, while Bensinger quietly resigned.

⁷³ The Wall Street Journal, August 19, 1966, Advertisement

⁷⁴ Newark Sunday News, August 28, 1966, Advertisement

Also in 1964 the WRA-DRB produced and distributed a slick and expensive, full-color pamphlet entitled *Tocks Island and Outdoor Recreation for the Crowded East* that urged readers to contact members of Congress to support the recreation area. The intended audience was special interest groups associated with the vacation-resort industry, labor unions, government builders and economic development organizations. In 1965, the National Park Service published an identical pamphlet entitled *Tocks Island National Recreation Area—A Proposal*, that was paid for by the WRA-DRB, who helped distribute 25,000 copies. These pamphlets infuriated local residents. Again, activist Shukaitis testified.

These persons (Delaware Valley homeowners) do not have a public relations group or lobbyists to front for them and are no competition for the interests of water for basin industry, proponents who want a fast return on their developer dollar. This brochure doesn't even mention that anyone lives in the project area. In the past few years land speculation has moved so rapidly, so lavishly and with such confidence of this bill's passage that it warrants a full-scale investigation. Of course it is difficult to uncover straw buyers and fictitious names, but the makeup of new corporations would be most revealing.⁷⁵

Ironically, Bensinger himself had also warned the federal government to move quickly on the Tocks Island land acquisition because the costs of buying land would rise due to real estate developers. "The speculators probably have contacts within the government and have inside information," said Bensinger.⁷⁶ One such specific government connection was between Dressler, Saylor and Udall. In a letter dated Sept. 14, 1966, in which Dressler casually addressed Saylor as "Dear John," he asked Saylor to keep Udall to his promise of providing \$15 million that year for land acquisition. In another of his many letters, Dressler profusely thanked Saylor for everything he had done to facilitate the authorization and funding of Tocks Island Dam and the Delaware

⁷⁵ Testimony of Nancy Shukaitis, Director of the Delaware Valley Conservation Association, before a Congressional delegation from the Committee on Interior and Insular Affairs and the Subcommittee on National Parks and Recreation during public hearings in East Stroudsburg, PA, April 22, 1965. Page 3 of transcript given to Kathleen Duca-Sandberg by N. Shukaitis.

⁷⁶ The *Pocono Record*, "Real Estate near Tocks Skyrocketing in Price," by Gil Murray, March 27, 1965, p. 6.

Water Gap National Recreation Area. "We of course look forward to working with you until the day these vitally important projects have been completely developed," wrote Dressler. Saylor replied on December 8th, 1966. Saylor warned Dressler that he now had to get bonding bills approved for funding because of federal spending cut backs.

To be clear, the dam and the national park represented two different and separate projects, two separate acts of legislation and two funding revenue streams with attached budgets that each needed congressionally approved appropriations. Tocks Island National Recreation Area legislation was introduced in early 1965 by Saylor, who at the time was the ranking minority leader of the House Interior Committee. Udall wrote a letter to Aspinall requesting his views on this legislation, HR 89, to establish the Tocks Island National Recreation Area, (the name was later changed to the Delaware Water Gap National Recreation Area) and strongly recommended enactment. "The Tocks Island Dam will create a sizable reservoir of good quality water, the recreational values of which will be exceptionally high," wrote Udall. He told Aspinall the multi-purpose reservoir, which would account for 14,800 acres of the 71,975 acre park, would become one of the most significant areas of water-based recreation in the eastern United States.⁷⁷

Pennsylvania Congressman Richard Schweiker supported the national park because recreation was his state's number one growth industry with nearly one billion a year in revenues, but relative to its potential, it remained his state's most undeveloped industry. There was tremendous support for H.R. 89 and President Johnson signed the bill creating the national park into law on September 1st, 1965. It gave the Secretary of Interior \$37.4 million to acquire an additional 47,675 acres of land and \$18.2 million for recreational facilities, which were to

⁷⁷ Letter from Secretary of Interior Stewart Udall to Congressman Wayne Aspinall, Chairman of the House Committee on Interior and Insular Affairs, Feb. 26, 1965.

include thirty-one separate development sites, 11,000 picnic tables, 6,500 camp sites, 135 boat launches, 1,860 boat docks, 33,000 parking spaces, 15 food service areas and beaches for 66,000 people divided into nine beach areas. There were also going to be facilities for camping, boat rentals, hiking and biking trails, horseback riding, picnicking, hunting, fishing, sailing, motor boating, canoeing, rock climbing, winter sports, nature centers, playgrounds, ball fields, historic sites, interpretive facilities and the dam itself. All of this for an expected 150,000 people per day—making this the busiest park in the United States. Even after LBJ signed the bill, Dressler wrote to Udall urging him to begin the project as rapidly as possible and again, he copied Saylor.

Udall still had to contend with the Army Corps of Engineers, the congressional dam builders. In an interview Udall discussed conflicts between the Department of the Interior and the Army Corps that continued to be a major problem as the 60s progressed. “The Corps and the Bureau of Reclamation arise out of the great momentum of the dam building movement that began in the New Deal Days.”⁷⁸ Udall said Kennedy was in favor of building dams and Johnson inherited many of his programs including Tocks Island Dam. Udall learned about “pork barrel legislation” quickly.

One of many strong proponents of the “guns or butter” theory, historian Irving Bernstein agreed Udall himself was an “old school” conservationist, who continued to promote traditional programs and expand the national park system and public lands program despite rumblings from those who wanted a more aggressive and progressive environmental agenda. Instead, Bernstein said Udall’s agenda included making the western-oriented Department of Interior more national in scope by creating new national parks in the East that would provide outdoor recreation to crowded cities and suburbs. In a July 27, 1963 newspaper article in the *Gettysburg Times*, Udall was quoted as saying he felt “Tocks Island Park was overdue” and called the dam “one of the top

⁷⁸ Udall Interview V, p. 10

projects of the Delaware River Basin Commission." He predicted ground would be broken within the next fifteen months and that the project would be completed prior to 1970.

Udall was apparently very mindful of the political "pork barrel" interests involved in Tocks Island dam and local constituents who stood to make a good deal of money from this new national park located within 100 miles of the nation's greatest population concentration. He predicted that the area would be visited by more than six million people annually. Another politician who supported the project from its inception (during the Kennedy administration) was Senator Harrison Williams (D-NJ) who had a history of supporting pork barrel type legislation.

From this perspective, the Tocks Island Dam and Delaware National Park were hardly environmental controversies at all. The real fight (over the federal government building a man-made recreational lake with a national park protecting and surrounding it) was between those who stood to benefit from the millions of people expected to visit it annually and local residents, even those losing their homes, who did not want to see rural New Jersey and Pennsylvania overdeveloped and crowded with park goers. It was a classic case of "not in my backyard," or NIMBY. For those who were adamantly against building this project early-on, environmental concerns were not that important.

Also adding to the dam building turmoil during Johnson's administration were several attempts to consolidate various departments especially through the 1964 Task Force on Government Organization, chaired by Donald K. Price, who recommended creating a new Department of Natural Resources. Favored by Udall, this would have merged the Departments of Interior, Agriculture, Forest Service and Soil Conservation, along with the Army Corps of Engineers. Water resource functions were to go to the Federal Power Commission. The Army Corps favored keeping the status quo as a way of protecting its monopoly over dozens of public

works projects. In addition, because there was so much money involved, the Bureau of the Budget argued against allowing this new and potentially powerful merged department the ability to coordinate and plan functions that Congress had assigned to the Water Resources Council through the Water Resources Planning Act of 1965. These reorganization attempts went nowhere and demonstrated how much inter-agency territorial rivalry existed and the arms-length relationship between the Army Corps and the Department of the Interior. The development of programs took priority over making comprehensive environmental policy because programs could be controlled by agencies, whereas policies could not be. Udall believed a new and powerful environmental department could have been established then had Johnson supported it, but "Johnson was too much the politician to be caught up in such a web," wrote Albert.⁷⁹

"The naturalistic park and Tocks Island Dam were pipe dreams," wrote Albert. "By all rights a host of dignitaries should have descended on the Minisink in 1967 and, grasping ribbon-bedecked shovels, turned over the first soil." No ceremony ever took place. "Try as they might the Corps of Engineers could not get construction started in the turbulent decade of the 1960s."⁸⁰

This directly supports the argument that time and money were the most significant factors affecting the demise of the Tocks Island Dam. Had the first shovel of soil been turned in 1967, the project might have moved ahead. An examination of LBJ's federal budgets and subsequent allocations indicates projects that were already started, continued to receive more funding than those that had not. During this critical window of time, prior to the end of the LBJ presidency, a continued reduction of funding due to inflation and spending for the Vietnam War coupled with skyrocketing project costs, made Tocks Island Dam a low funding priority and continuously stalled project. While he worked for a non-profit environmental organization that clearly claimed Tocks was stopped by the environmental movement, Albert briefly mentioned the War

⁷⁹ Melosi, p. 125

⁸⁰ Albert, p. 75

in Vietnam and a lack of funding several times in his book, but did not develop this aspect further. "It was cold, hard cash, or the lack of it rather, that kept dam building from occurring," wrote Albert. "Tocks Island Dam had a tremendous cash-flow problem . . . the project was competing for dollars that were being sent to fight Communism in Southeast Asia."⁸¹

During the second half of the 1960's there just wasn't enough money in the federal treasury to build grand dam projects and wage war, according to Albert, who said Tocks Island Dam was in serious financial trouble even as Congress authorized the project in 1962. Costs turned out to be extremely underestimated. Originally the price tag was a little more than \$90 million and increased to \$95 million by the time Congress appropriated the first funds because of inflation. As planning actually got underway, the cost estimates rose significantly. Changes in dam design due to geological problems added an additional \$16 million before July, 1965 and the need for protective works in the upper part of the reservoir pool added another \$14 million. Estimates to relocate cemeteries, schools, highways and power lines proved inadequate and added another \$12 million to the project, increased cost of land acquisition added another \$15 million and more money to purchase land for wildlife migration measures added \$8 million. By July, 1967 the estimated cost of Tocks Island Dam was \$198 million—a tremendous \$100 million increase in less than three years, which may not seem like much money by today's standards, but then it had a very negative impact on Congress. In the House, the Public Works Committee ordered a staff study of the project's benefit cost ratio, which was never made public, according to Albert, but was leaked to the *Pocono Record* on March 21, 1968. The report allegedly found the cost benefit ratio had fallen to below the 1.4 or 1.5 the Army Corps maintained. No one had previously taken into account \$4 million in estimated damages to the Delaware Bay's oyster industry. The Army Corps disputed these findings and the project

⁸¹ Ibid

survived temporarily until its costs again were questioned by Senator Allen Ellender (D-La.), chairman of the Senate Subcommittee on Public Works and in the House by Public Works Chairman, Michael Kirwan (D-Ohio) "Even Congress, which usually favored expensive pork-barrel projects, was beginning to wonder if the country could afford a costly project like Tocks," wrote Albert. "Tocks Island Dam was beginning to get a reputation as a bottomless pit for federal appropriations."⁸²

The results of this public notoriety during a time of serious inflation and budget crisis spending during the Vietnam War resulted in two scathing full page editorials in *Time Magazine* that specifically recommended cutting expenditures for unnecessary projects such as Tocks Island Dam. The first anonymous editorial was published August 4th, 1967. Entitled "*Congress: Where Charity Begins*" criticized the House for recently passing a \$4.6 billion public works appropriation bill. "\$2 billion of which is pork. . . including such frills as the Delaware River-Tocks Island reservoir and recreational program at the New Jersey, New York and Pennsylvania border, which was supposed to cost \$90.4 million but has since grown to a tidy little \$198 million affair."⁸³ The author had obviously studied the 478 page federal budget, which was the subject of national debate and confusion. "Practically everyone agrees the federal budget is bloated, but practically nobody can agree on just where to cut. The issue will profoundly affect elections, prices and everyone's pocketbook in 1968 and beyond," the article stated. The author pointed out the ongoing debate about national goals and priorities and which ones the United States should fund. Congress had already cut appropriations by \$4.5 billion and LBJ, under pressure from Congress, offered a further cut of \$2.6 billion by paring 10 % from outlays for controllable programs and 2% from personnel costs. Even with these cuts, federal spending was

⁸² Albert, p 77

⁸³ <http://www.time.com/time/magazine/article/0,9171,837154,00.html>

expected to climb to \$136 billion while the deficit was close to \$20 billion, the highest since the World War II era. Prices were rising and the dollar was debilitated.

The second article contained derisive suggestions on how Washington should cut federal spending on unnecessary programs such as Tocks Island Dam.⁸⁴ The author suggested that Congress and the president should ask three questions about every major item of expense: Is the expense necessary for national security? Would a postponement of the program lead to a much greater costs in the future? Will this expense improve the lives of most Americans? The author recommended not cutting funding for education, foreign relations, or poverty programs, but felt cuts should be made to agriculture and defense. "Without slackening the Vietnam War effort now costing \$30 billion a year, the US can substantially reduce its \$74.5 billion defense budget by slowing military construction, bringing home troops from Korea and Europe and reducing foreign military aid." Other areas where the *Time* article recommended the government cut spending included the space program, seaways, airways and public works. Albert wrote:

The rich aroma of pork converts even the most ardent budget cutters into big spenders. The \$4.6 billion public works bill for fiscal 1968 was approved, but high on Times recommended hit list for funding cuts was the non-essential and increasingly expensive Delaware River-Tocks park.⁸⁵

Rising costs immediately resulted in a slow-down of the project. During hearings in March 1968, after Senator Ellender publicly questioned the cost benefit ratio of the dam projected at around 1.4, the General Accounting Office (GAO) studied the project and determined that recreational benefits had been overstated by \$8 million, while water supply benefits were understated by \$21 million. This meant that the water supply accounted for more than 30 percent of the total costs

⁸⁴ <http://www.time.com/magazine/article/0.9171.844242.00.html>

⁸⁵ Albert, p. 77

and the Water Supply Act of 1958 required the Army Corps to have contracts for the sale of water in excess of 30 percent prior to construction. Ellender's reaction to this report was to insist that the Senate Appropriation Committee report contain criticism of the way Tocks Island benefits were being calculated by the Army Corps. In 1969 funding for the dam was not only cut back, but delayed for the first time. Although the GAO did not sound an alarm over the overall benefit-cost ratio, concern over the allocation of benefits, coupled with an austere budget that provided the Philadelphia District with only about \$2 million in fiscal year 1969 for construction purposes, meant that by the dawn of the 1970s, the Corps had not yet begun construction of the dam.

CHAPTER IV

Nix on Tocks: The Environmental Demise of the Dam? The 1970s and Beyond

As the turbulent decade of the sixties came to a close and President Johnson refused to run for another term, Richard M. Nixon came into office leading the populist “silent majority” in his futile attempt to re-establish domestic tranquility. The War in Vietnam dragged on, the economy continued to suffer and no contracts had been forged for the construction of Tocks Island Dam. Sixties protesters of every kind formed a natural alliance with ecologists as the environment slowly became a national issue. Americans now concerned with preservation not conservation, began to attract attention and influence the country’s lawmakers. Had Tocks Island Dam been funded and construction started during the Johnson administration prior to the seventies, it might have slipped past new regulatory environmental legislation, the National Environmental Policy Act of 1970, which required the Army Corps to furnish an environmental impact statement. It might have not have attracted the attention of national environmental groups who were joining displaced residents to fight the dam. Again, it was an issue of time created by a lack of funding due to the war. Those who strongly felt this impact statement led to the “environmental demise” of Tocks Island may not have been aware that the key players, members of the Delaware River Basin Commission, who voted against the dam in 1975, did not necessarily do so for environmental reasons. It was really an issue of money.

Sunfish Pond: An Environmental Caveat

A separate, but related part of the proposed Tocks Island Dam Project was the Kittatinny Mountain Project, which called for the construction of a pumped, water-storage system on top of a high ridge of the Appalachians that border the Delaware River on the New Jersey side. The land, which included the scenic, but sterile forty-acre Sunfish Pond, had been part of the original Worthington Estate, sold to Governor Robert Meyner and the State of New Jersey in 1954. It remains part of Worthington State Forest.

In 1956, studies were conducted by Public Service Gas and Electric, Jersey Central Power and Light and New Jersey Power and Light Companies to examine Kittatinny Ridge as a pumped storage site. During off-peak hours, power companies would pump water from a lower reservoir (Tocks) to a higher one and when power demands were high, the water would be returned to the lower reservoir to generate electricity. The three power companies purchased a 785 acre portion of the Worthington property, including Sunfish Pond, from the state in 1961 and obtained permits from the Federal Power Commission. Their plans called for three reservoirs to be build on top of Kittatinny Mountain and the destruction of Sunfish Pond. After completing one phase of the project at Yards Creek, the other two planned reservoirs stalled because the DRBC now wanted rent money for use of water coming from Tocks Island Reservoir and also insisted the power companies help pay for part of the dam itself.

Two nearby residents, Casey Kays, an avid hiker, and Glenn Fisher, a former United States Department of Agriculture employee, began a grassroots letter-writing campaign to save Sunfish Pond. Their efforts gained local media attention and support. Former New Jersey Governor Thomas Kean, at the time, junior assemblyman elected in 1967, became involved in this grassroots movement to save Sun Fish Pond from becoming the site of a pumped water

storage facility. Kean, who then considered himself a conservationist, said he repeatedly submitted his bill to the New Jersey Assembly to save the site because "it was one of the few glacial lakes we have in New Jersey and we were losing too many of our scenic areas." Although Sun Fish Pond was saved, Kean's bill never gained any traction and his fellow New Jersey legislators jokingly called him "a bird watcher." "I didn't understand why I had three governors, the Chamber of Commerce, the AFL-CIO and everybody else against me all of a sudden because of this little bill to save a small pond," recalled Kean. The pumped storage facility at Sun Fish Pond would have created valuable hydroelectric power and was slated to be one of the commercial components of the overall dam project used to financially justify it.

"It became evident to me fairly soon that what I was fighting was the entire (Tocks Island) project and not just Sunfish Pond," said Kean. "I made it my prime cause and the more they opposed me, the more irritated and angrier I became and the harder I worked on it. Everybody was for it. All the governors were for it as well as all of the economic bosses. So people assumed it was going to happen and I was a fly in the ointment. They tried everything they could to get me to back off. They even threatened my campaign contributions at one point."⁸⁶

The climax of grass roots publicity efforts to save Sunfish Pond came when United States Supreme Court Justice William O. Douglas joined a pilgrimage protest hike to the Pond on June 17, 1967. "I wish to identify myself strongly with this cause. Sunfish Pond is a unique spot and deserves to be preserved," said Douglas.⁸⁷

Albert noted that in 1968, a compromise between the DRBC and the power companies was reached. The state gave the utility companies one hundred acres of nearby land in a trade for Sunfish Pond and promises to landscape the unsightly upper reservoir dikes and hide all penstocks, generating plants and transmission lines so they could not be seen from Tocks Island Lake and the recreational area below. By June 1970, Congress had authorized pumped storage

⁸⁶ Interview with Former Governor Thomas Kean by Kathleen Duca-Sandberg, October 18, 2010.

⁸⁷ Albert, p. 98 from the *Trenton Sunday Advertiser*, June 18, 1967.

power as a part of the Tocks Island Dam Project and the grassroots campaign to save Sunfish Pond had attracted the attention of those who wanted to stop Tocks Island Dam.

"As early as 1968, Glenn Fisher and others were writing letters talking not only about the potential harm to the pond, but also about the loss of the free-flowing Delaware River, the loss of river bottomlands, the impact on ecology, water quality and other issues," wrote Albert. "These were impacts anticipated from the construction of Tocks Island Dam and not from the pumped storage facilities."⁸⁸

The controversy over Sunfish Pond in the mid 1960s had attracted public attention to the proposed Tocks Island Dam and National Park on the Delaware at the same time the environmental movement was just starting to gain national momentum, but any significant environmental opposition to the dam did not start until after 1970 mostly because the recreation area appealed to many traditional dam opponents and environmental causes in general had not gained widespread interest until after the first Earth Day in April of that year. Early resistance came from groups like the Delaware Valley Conservation Association, opposed to the national recreation area and the Save the Delaware Coalition, who were against the dam, but favored the recreation area despite the fact that it tripled the amount of private land to be taken by the government. In the next few years every possible environmental issue was subsequently raised, but despite these real or imagined later environmental impacts, the dam remained a victim of the Vietnam War, cost overruns and poor planning. Prices for land acquisition, geological site problems, cemetery and grave re-location and other costs had escalated or were unanticipated. The biggest opponents remained the doomed residents.

Nancy Shukaitis, whose family had lived in the Minisink for generations, became the first local resident to oppose the dam when she testified alone during a 1964 Congressional hearing in Philadelphia. A natural leader and activist, she was later elected as a Monroe County Commissioner (freeholder) in 1967, a post she held for the next sixteen years, indicating

⁸⁸ Albert, p. 100.

significant local support for her anti-dam agenda and fight against the federal government.

Regional support for the dam began to erode and the Army Corps of Engineers became the local, on-site enemy. Albert wrote:

Because of the delay in the start of construction, Tocks Island Dam got caught in a cross fire. Public interest in preserving the environment had been increasing . . . By the 1970s, Tocks Island Dam would have been scrutinized closely by the environmentalists, if for no other reason than its sponsor was the hated United States Army Corps of Engineers.⁸⁹

Chickens and Traffic Jam the Dam

The lack of funding in the 1960s due to Vietnam War federal spending cutbacks became a real issue for the dam as costs escalated. During the 1970s it came under increasing fire and proponents were forced to head off more and more obstacles. As the seventies progressed, the two biggest concerns were diminished cost benefits and newly exposed environmental impacts. There were major concerns over limited recreational use of the reservoir because new engineering studies revealed that during times of drawdown, (which is the partial draining of the reservoir during times of low water flow or drought, especially during hot summer months) vast unsightly mudflats would grow along the lakeshore. A few years later other environmental impact studies indicated algae fed by phosphorescent groundwater runoff from nearby New York State chicken and dairy farms into the stagnant reservoir water would cause it to become a eutrophic gigantic cesspool unfit for recreation, which was supposed to make up 51 percent of the projects' congressionally mandated income benefit. New York State refused to absorb the cost of building expensive treatment facilities to control the agricultural ground water runoff coming from upstate New York.

⁸⁹ Albert, p.103

In 1970, the DRBC commissioned its first environmental study of the project area, completed by Roy F. Weston, Inc. This initial environmental and engineering study made various recommendations to ensure the reservoir provided sufficient water supply, a sewage plan centrally administered by the DRBC, and engineering studies on solid waste disposal be conducted. Armed with the results of this environmental study, which was a relatively new field at the time, the Corps and dam supporters staunchly maintained the dam was still a workable project.⁹⁰ However, that year the dam supporters met their biggest obstacle. Even though Tocks Island Dam had been authorized before passage of the National Environmental Policy Act (NEPA), the Army Corps was now required to produce an Environmental Impact Statement (EIS) before any construction could begin. The EIS was to be prepared according to newly established guidelines set by the Council on Environmental Quality (CEQ). In all fairness to the Corps, the CEQ guidelines were ambiguous and untested. In 1971, the Corps submitted a very short preliminary statement that outraged opponents and legislators alike. Although a more comprehensive report was already in the works, the Corps' initial and hurried short statement ignored environmental concerns, which raised suspicions. The CEQ countered by demanding the Corps address specific issues that included: water quality and potential eutrophication; alternatives to the dam; impacts on fish habitats in the Delaware; secondary costs and benefits, land use control and the impacts of seasonal fluctuations in reservoir levels. The CEQ recommended that construction of the Tocks Island Dam be delayed in the spring of 1971 giving the Corps time to satisfactorily address these issues.

90 Delaware River Basin Commission, "Summary of Report on the Tocks Island Region Environmental Study," 16 November 1970

In October 1971, the Corps issued its final EIS on the dam which determined that eventual eutrophication of the reservoir was likely because of sewage and animal waste runoff from upstream chicken farms in New York and again recommended a large wastewater treatment system was the solution. This more comprehensive one-hundred page long environmental impact report identified many other adverse impacts from the dam, the recreation area and the pumped storage project. Those impacts included: traffic jams; waste disposal and sewage treatment; adverse impacts on the fish population; exposure of mudflats during reservoir drawdowns; loss of agricultural lands and historic landmarks; the loss of historic Old Mine Road and the Pahaquarry Copper Mine; loss of wildlife and natural habitat and the hardships imposed on current residents about to lose their homes. In February 1972, the Environmental Defense Fund published its own evaluation of the Tocks Island Project. This document admitted that “legitimate needs for water supply, flood damage prevention, outdoor recreation, and peaking power exist in the Delaware River Basin,” but it disputed that Tocks Island Dam was the best way to meet these needs. The report criticized the Corps’ calculations and studies of the Tocks Island Reservoir water supply function as inadequate and misleading and claimed the Corps overestimated the recreational benefits of the dam. In terms of flood control, the report stated that, instead of constructing a large dam, the DRBC should use floodplain management to reduce flooding risks at various tributary points. Finally, the report declared that “accelerated cultural eutrophication would have serious detrimental effects on the use of Tocks Island Reservoir for water supply and recreation” and insisted that the Corps require the DRBC “to implement an adequate waste water treatment and control program for both point (municipal and industrial) and nonpoint (agricultural) waste water sources” before beginning construction.⁹¹ Russell Train,

⁹¹ Quotation in H. Doc. 522, 1:99; see also “Tocks Island Lake, Pennsylvania, New Jersey and New York, Pertinent Data,” Loose Papers, Box 503 and Box 5276 Administrative Records, United States Army Corps of Engineers,

chairman of the CEQ, agreed with many of these criticisms and approached the governors of New York and other states in the Delaware River Basin to receive assurances that New York would take measures to prevent nutrient runoff into the reservoir and that Delaware, Pennsylvania and New Jersey would provide funding for a wastewater treatment system. When these assurances were not forthcoming, Congress officially stopped the construction of Tocks Island Dam in the summer of 1972. The Corps had been ready to advertise for construction bids, but these issues jeopardized the Corps' continued funding. In June of 1973, both the House and the Senate approved a \$14.8 million appropriation, but stipulated it was to be used for property acquisition only and not construction.

Governor Cahill's Roadblock

Governor William Cahill, who had supported the dam at one time, announced New Jersey was going to re-evaluate its support for the project through a team at the state's newly created Department of Environmental Protection, headed by Commissioner Richard J. Sullivan and aided by Assistant Thomas M. O'Neill. Sullivan's team reviewed the costs and benefits to New Jersey separately and the possibility of New Jersey withdrawing its support loomed. Based on their report and recognizing the flood control benefit and additional water the dam could provide, Cahill told fellow members of the DRBC that New Jersey would not oppose the dam, but he insisted certain conditions be met before any construction started. "I did not condemn the dam," said Cahill. "We should identify as accurately as possible all elements of the project, including those things which indirectly will accompany it. . . we have not adequately carried out

this assignment in three areas."⁹² Cahill felt those three critical areas were the impact on land use of the dam and recreational area and the supplemental facilities needed; the cost, appropriateness, and environmental impact of proposed regional sewerage facilities and the highway system needed to serve the estimated number of annual visitors, which was 10.5 million.

Cahill was concerned about over-development of the areas surrounding the proposed park and the glut of restaurants, stores, gas stations and hotels that would spring up, especially in northwestern New Jersey. "Officials of these communities expressed to me their urgent concern about the costs of more hospital rooms and service, ambulances, police and fire protection and the upgrading of municipal and county roads," said Cahill. "The Tocks Island region of Warren and Sussex Counties will experience severe pressures for commercial development . . . the impact will be great." Cahill insisted the number of visitors be reduced to no more than four million a year and that over-night camping facilities be provided within the park to reduce traffic and development. He felt this reduction would be easily done "if the recreation area is provided without the big impoundment of the dam."⁹³ The Weston report had recommended construction of a massive sewerage treatment system to cope with the agricultural run-off from New York that called for the construction of a huge treatment plant and a system of interceptors running through miles of vacant countryside. Cahill felt this proposal adopted by the DRBC was too expensive and unsightly. Instead he and his team proposed constructing a series of smaller treatment facilities that would serve existing townships. Cahill went on to the question the benefits of the dam for water supply and flood control and demanded a total of seven conditions

⁹² "Statement Concerning the Tocks Island Dam" by William T. Cahill, Governor of New Jersey, given during the annual meeting of the Delaware River Basin Commission, May 10, 1972. Document copy given to Kathleen Duca-Sandberg by Thomas O'Neill, former executive with NJ DEP.

⁹³ Cahill, May 1972 Statement

be met before New Jersey would agree to move ahead with the project. The most important of these were: changes to the sewerage treatment plans to control the nutrient run-off and eutrophication control; the ability to regulate land use on the Jersey side of the Tocks Island region; federal funding for new highway projects to alleviate the burden to New Jersey's infrastructure; and federal subsidies to offset lost tax revenues due to federal land acquisition. O'Neill said Cahill's real damage to the dam, however, came from his demand that the estimated 10 million annual visitors to the recreation area be cut by more than half. O'Neill said:

He was raising questions and putting up a caution sign not a stop sign. He gave the commission 6 months to come up with answers. His reaction was this project is not going to fly. This put the first substantial roadblock in the way of the dam without any real friction. This is what slowed down Tocks and eventually made it possible to stop it. What he really did was make it impossible to comply with his requests. If you put a ceiling of 4 million park visitors a year on it, they (the Army Corps) would not be able to get a positive cost benefit analysis. The corps could no longer justify it, not on environmental grounds; they could not justify it on economic grounds. They would not be able to get over the Congressional hurdle of having a positive cost benefit ratio.⁹⁴

In order to be able to afford the highways and the sewers, visitor levels had to be held to no more than 4 million people, which was the number of people you could have with a flowing river recreation area as opposed to a flat water recreation area (lake) and the bulk of the benefits the Corps used in their cost benefit analysis did not come from flood control or from water resources, but from recreation. There were environmental concerns, economic concerns and political concerns. Local officials Cahill had met with were now adamantly opposed to the project. "It was one of the first official examples of NIMBY not in my backyard. Cahill put these challenges in the way of the project," said O'Neill.⁹⁵

⁹⁴ Interview with Thomas O'Neill, former Executive Assistant and Chief of Staff to the Commissioner of the New Jersey Department of Environmental Protection under both New Jersey Governors Cahill and Byrne, March 1, 2011 by Kathleen Duca-Sandberg.

⁹⁵ O'Neill Interview.

Support for the dam was diminishing and construction was stalled indefinitely. Many credit Cahill and the Sullivan report for essentially stopping the dam, but the Army Corps would not give up. The Corps disagreed with these conclusions, stating that “the Tocks Island Project meets . . . urgent human requirements in a manner that is more environmentally acceptable, efficient and economic than any other series of known or feasible alternatives.” The DRBC also declared that without any alternatives “the Tocks Island Reservoir would be the keystone of the water supply management program in the Delaware Valley.”⁹⁶

After the Army Corps' initial and inadequate environmental impact statement was publicized, environmentalists got involved in the fight to stop the dam, yet they supported the recreation area and wanted to keep a natural wilderness setting along the river. The National Park Service developed a new plan, *A Natural System Plan for the Delaware Water Gap National Recreation Area*, released in September, 1971. Albert said support for large-scale recreational lake within the Park Service was eroding. “The natural systems plan deemphasized reservoir recreation . . . the results of the park service study delighted the environmentalists. Here was justification for their dam opposition,” said Albert.⁹⁷

Park Superintendant John Donahue, who has written some history of Tocks Island Dam and was a friend of author Richard Albert, said the growth of opposition to the dam was “an event where you can tie a direct nexus between the event and the beginning of the growing environmental movement. It morphed from a movement about people keeping their homes into being a movement about seeing that the sacrifice they were making was for a good cause—public lands in perpetuity.”⁹⁸

⁹⁶ Charles A. Stansfield, Jr., “*The Tocks Island Controversy*,” *Parks and Recreation* 7 (March 1972), p.31

⁹⁷ Albert, p.121

⁹⁸ Delaware Water Gap National Recreation Area Superintendant, John Donahue, interviewed by Kathleen Duca-Sandberg, (February 22, 2011).

During the next few years numerous impact and engineering studies were conducted including investigations into various water-supply and flood control alternatives. The Environmental Defense Fund, who questioned the dam's costs and benefits in 1972, now found that construction of the dam would encourage development on the dangerous floodplains below the dam. As Cahill pointed out, during the devastating Flood of 1955, it was not the main stem of the Delaware River that had caused so much damage and fatalities, but its' various creeks and tributaries within the floodplain, where homes and camp facilities were swept away. Donahue said years later the Corps, who continued to test the area, concluded that there were serious engineering issues with the Tocks Island site. "The place where they wanted to build the dam turned out to be one of the few places in Pennsylvania where you can't drill down six inches and find rock. There was nothing but sand," said Donahue.⁹⁹ O'Neill said he believed this still would not have stopped the Corps from building the dam. They would have resorted to using an alternative building method instead.

There were still many who continued to support the dam including Pennsylvania Governor Milton Shapp, the Delaware Valley Council, the New Jersey State Chamber of Commerce, various labor unions and of course Dressler and members of the WRA-DRB, who fought back and "had an equally persuasive argument for rejecting every proposed alternative," wrote Albert. "The technical battleground would decide nothing. The real argument was ideological, either you believed that Tocks Island Dam was the long-awaited answer to the water needs of the Delaware River Basin, or you didn't. It was like religion."¹⁰⁰

The fate of Tocks Island Dam, however, still rested with Congress and the Delaware River Basin Commission, or essentially the four governors of New York, Pennsylvania,

⁹⁹ Ibid.

¹⁰⁰ Albert, p.125

Delaware, and New Jersey. By 1973 the DRBC countered CEQ and Governor Cahill's objections to the dam by changing its policies regarding "nonpoint" pollution—the chicken and cow agricultural groundwater runoff from precipitation. It was now to be managed in accordance with the policies being developed at the federal level by the Environmental Protection Agency, an attempt to divorce the issue from the dam controversy and pass the buck. Some of Cahill's other conditions were being met, including a reduction in the number of park visitors and agreeing to build sub-regional sewage treatment plants, but Cahill still demanded federal funding for highways and lost tax revenues, which was a shift away from any lingering environmental concerns as far as New Jersey was concerned. The CEQ kept insisting New York State provide a clean-up program to remove 95 percent of any agricultural wastes. Once again in 1973, both the House and the Senate approved funding for dam construction, but insisted construction could only begin if these issues were resolved.

Governor Brendan Byrne's White Paper and the Critical Vote Against Tocks

The Delaware River Basin Compact required all water resource projects be approved by the DRBC and Congress had become impatient with the DRBC's delays. The fact that two governors now opposed construction proved problematic. Congress pushed the Delaware River Basin Commission to resolve the dam controversy. On August 28, 1974 Congress appropriated \$1.5 million for a new study of the Tocks Island Dam project, but instead of giving the money to the Department of Environmental Protection or the National Academy of Sciences to conduct the study, it gave it to the Army Corps of Engineers. This immediately caused panic and distrust among those who opposed the dam and who feared this new study would be biased if managed by the Corps. Instead two neutral New York City consulting firms were given the contract,

engineers URS/Madigan-Praeger and the architectural firm, Conklin and Rossant. Their six-volume final report assessed the costs of various alternatives, but did not take a position on the dam itself. It again raised numerous environmental and financial concerns that resulted in a stalemate with both sides declaring victory. It concluded that the project was the most cost-effective means to achieve the purposes of flood control, water supply, recreation, and hydroelectric development in the region, however, they believed recreation would be adversely affected by eutrophication. The Army Corps interpreted the results differently saying the Madigan-Praeger study viewed the dam as both feasible and necessary.

In 1974, Brendan Byrne became governor of New Jersey, Malcolm Wilson succeeded Rockefeller as governor of New York and Delaware's new governor was Sherman Tribbitt. After Sullivan resigned the DEP, but before Byrne appointed David Bardin to succeed him, Joseph T. Barber was named Acting Commissioner of the DEP under Byrne. He had been a division director before DEP was established when it was still the New Jersey Department of Conservation and Economic Development. "He was an old time Democratic hack—build-a-dam-guy, who had enough republican connections to maintain an office under the Cahill administration," said O'Neill¹⁰¹ In March 1974, Byrne asked Barber for comments on what he ought to do about Tocks and Barber encouraged the governor to build the dam. He pointed out Cahill's seven conditions and brushed each one off in a short two page memo. He claimed the eutrophication issue was overemphasized and plans to build a major regional sewerage system had already been abandoned in favor of a decentralized system. He also said there was no need for more highway construction since the number of visitors had been scaled back to 4 million. "I believe that action and studies by DRBC and the Corps and other agencies compromise a reasonable response and assurance that the issues will be resolved," wrote Barber. "It is my

¹⁰¹ O'Neill Interview

feeling that the completion of this project is imperative." His reasons were Tocks would provide water supply for "which there is no alternative" and a source of energy and power plant cooling water and its flood control use."Only a main stem facility can prevent a repetition of the 1955 disaster downstream. Surveyed in its entirety, it appears that the benefits from the Tocks Island Dam far outweigh its problems and I would strongly suggest that you fully support this project so that construction can proceed in 1974."¹⁰²

"This is what would have happened without Richard Sullivan or David Bardin. This was the old politicians answer to what we should do about Tocks," declared O'Neill.¹⁰³

In conjunction with the new congressionally mandated study being done by Madigan-Praeger and Conklin, Byrne asked for a new study of the dam project and the potential impacts on New Jersey. A new task force was headed by O'Neill and Dr. Glenn Paulson, also an assistant DEP Commissioner, who helped create the state's Superfund cleanup program as well as the Department's Office of Science and Research. The two began a lengthy new study of Tocks Island Dam and the recreation area they called "The Decision Options Paper" or "The White Paper." O'Neill said the great virtue of this independent study was that everyone could use the consultants' numbers and findings. He said a review committee met weekly with the engineering firms and everyone had to be satisfied. "We used their numbers and then fit our policy preferences to it. That way we lessened the argument from an analytic point of view. The state simply had very limited analytic plans. It had never been done before," said O'Neill¹⁰⁴

"He (Governor Byrne) wanted a fresh look (at the dam) based on the current circumstances of the mid 1970s, not a judgment that was dating back to the 1950s," noted

¹⁰² Memorandum from Joseph T. Barber to Governor Brendan T. Byrne, Subject: Tocks Island, (March 22, 1974) copy provided to Kathleen Duca-Sandberg by Thomas O'Neill.

¹⁰³ O'Neill Interview

¹⁰⁴ O'Neill Interview

Paulson. "He had an open mind. If the perceived needs of decades earlier were still the needs of today or if there were new needs that justified it . . . then his position would be in favor of it." On the other hand, if the needs were no longer valid, Byrne would oppose the dam and support alternatives, said Paulson.¹⁰⁵ "It was a close call for Byrne. He might have gone either way. He was not a real environmentalist," said New Jersey historian, Donald Linky, who served as Policy and Planning Director and Chief Counsel to Byrne.¹⁰⁶ O'Neill said he thought Byrne made a gut decision using the White Paper to support a decision he already believed in.

"Governors don't want to take firm policy stands unless they have to," said O'Neill. "They prefer to make decisions on grounds that are unassailable. This way is going to cost us more money than that. Why get into the controversy of agreeing or not?"¹⁰⁷

Another argument of this thesis is that even though New Jersey Governor Byrne voted against building Tocks Island Dam in the mid 1970s, an act which ultimately led to de-authorization, this decision was not based on environmental concerns. It was predominantly the anticipated costs to New Jersey. Paulson and O'Neill, who wrote the report for Bardin, concluded that New Jersey had adequate alternative water supplies and that the proposed Tocks Island reservoir, depending on the rainfall and snow melt in a given year, could rise and fall many tens of feet, which meant that proposed marinas would often be dry and there would be huge mud flats, "so the recreational values basically had they been asserted were a sham," said Paulson. "Maybe one year out of every several the marinas would have been wet."

O'Neill said land use impact was the most obvious and detrimental aspect of the recreational lake and the fact that eutrophication would impact of the number of visitor days.

¹⁰⁵ Interview with Dr. Glenn Paulson, by Donald Linky, the Eagleton Institute of Politics, (May 14, 2009) <http://governors.rutgers.edu/BTB-interview-Paulson1.htm> Dr. Paulson also was interviewed by Kathleen Duca-Sandberg, (February 12, 2011).

¹⁰⁶ Donald Linky interviewed by Kathleen Duca-Sandberg, (November 20, 2010).

¹⁰⁷ O'Neill Interview

“The study was not designed to tell you—yes, you should build tocks or not,” said O’Neill. “It was designed to give an accepted basis of fact and analysis that both sides could agree on and use as a basis for their analysis. The stunning conclusion to us was, we did not need Tocks for water supply. In fact we’d be better off without it for water supply purposes in terms of costs per gallon and those were costs that we, New Jersey had to meet. It would have been unaffordable for New Jersey.”¹⁰⁸

Based on the "White Paper" Bardin urged Byrne to consider alternative water resources that included improvements at the Ramapo, Round Valley, Confluence, Six-Mile Run, Two Bridges and the Raritan-Passaic Reserviors, the D & R Canal and future conservation measures. "The New Jersey share of the \$120 million estimated water supply fraction of the Tocks Island Lake would be \$44 million, but this would not be available until pipelines were built from the Delaware to the Raritan and then hooked up. Consumption has not kept up with projections . . . it would virtually eliminate growth in water demand through 2025. New Jersey seems unlikely to need the Tocks increment for from 25 to 50 years . . . it would be desirable to preserve the option to build the dam and the lake, but to defer the actual construction," wrote Commissioner Bardin. "If you believe that a large new lake would be an attractive amenity in pace of the existing valley, and if you believe it is worth \$311 million of federal tax money excluding \$42 million to complete land acquisition, you will favor the dam and lake project . . . If you prefer a free-flowing river for at least a generation," Bardin advised Byrne to wait and weight the drought and flood risks along with more flexible water resource alternatives that would be less expensive for New Jersey.¹⁰⁹ Again, it was a matter of the costs and Paulson said a day or two after receiving

¹⁰⁸ O’Neill Interview

¹⁰⁹ "Report and Recommendations on Tocks Island Dam and Lake to Governor Brendan T. Byrne" from David Bardin, Commissioner of the New Jersey Department of Environmental Protection, July 29, 1975 based on the O’Neill and Paulson "Decision Options Paper" or "The White Paper" copy given to Kathleen Duca-Sandberg by Thomas O’Neill.

their report Byrne came out against the dam. "And without the support of one of the governors in the three states it basically was a dead issue," said Paulson¹¹⁰

Governor Byrne recalled:

I've had second thoughts about supporting it once in a while. The initial reasons for building the dam all seemed very logical, (but) there was a lot of negative press and squatters protesting. It was more of a social issue. I did not care about the dam one way or other. I knew there were people, who were concerned about the issue of water supply, but mostly it was just getting a lot of negative media coverage and I had the impression that nobody had thought through all of the possible effects. They didn't know how they were going to deal with the eutrophication and I could see scum.¹¹¹

Byrne went on to say that the entire project was a media headache for him and agreed that the lack of funding in the 60s opened doors later for the environmental movement to make Tocks Island their cause.

Yes delays from a lack of funding during LBJ resulted in a lack of appropriations to the Army Corps—it could have given the environmentalists a window of time later, but all that did not come into my thinking when I called the shots. It was really more trouble than it was worth. It was best if the whole thing just went away. So we kept the park and got rid of the dam.¹¹²

Byrne said that he decided to continue pursuing the route Governor Cahill had started by insisting the number of annual visitors be restricted to four million a year thereby diminishing the project's mandated cost-benefit. O'Neill recalled:

Yes and that was their biggest problem. They had to try to do that balance sheet that didn't really work. They were congressionally mandated to prove a cost benefit and that became the easiest part of it to attack because you couldn't argue that the cost benefit was fast disappearing and legally they would not be allowed to build it.¹¹³

¹¹⁰ Paulson Interview

¹¹¹ Interview with Former NJ Governor Brendan Byrne by Kathleen Duca-Sandberg, (September 16, 2010).

¹¹² Byrne Interview

¹¹³ Byrne Interview

O'Neill said once he was given the White Paper, Byrne's overriding concern was the cost effectiveness of building the dam."It was the politically salient concern he had. It was not an environmental concern, it's a money concern and everybody can understand that," said O'Neill¹¹⁴

With environmental and local opposition mounting, the DRBC met on July 31, 1975 to make a firm decision about whether or not to support the dam. During this meeting, Governor Byrne, armed with the White Paper, voiced his opposition to the dam, but did not vote to completely kill the project. He believed New Jersey had sufficient water supply without Tocks Island Dam, but wanted to keep New Jersey's options open if the state ever needed more water in the future. New York Governor Hugh Carey (represented by Ogden R. Reid) and Delaware Governor Sherman Tribbitt also voted to withdraw DRBC support for the dam, while Pennsylvania Governor Milton Shapp voted in favor of the project. As the 1975 annual report for the Water Resources Association of the Delaware River Basin declared, "The Delaware River Basin Commission on July 31, in a closed meeting decided, in a split decision, against construction start at Tocks Island but for continuation of land acquisition for the Delaware Water Gap National Recreation Area." Without DRBC support, the Army Corps recommended Congress de-authorize the dam in September 1975, stating that the Corps should transfer the land it had acquired for the project to the National Park Service for the Delaware Water Gap National Recreation Area. In the course of subsequent hearings, Major General Ernest Graves, Director of Civil Works for the Corps, explained that Tocks Island Dam was "the key feature" in the Delaware River Basin Comprehensive Plan and that the Corps would have to "go fairly far back toward first base in order to put together a plan that would be workable," but if the DRBC did not support the project, it was better to deauthorize it than to let it linger. According to Graves,

¹¹⁴ O'Neill Interview

the Corps had expended approximately \$63.5 million on Tocks Island up to that point, including 553 man-years of manpower.

The testimony of senators and representatives from New York, New Jersey, Delaware, and Pennsylvania highlighted this lack of support. Senators Clifford Case (R-New Jersey) and Jacob K. Javits (R-New York), as well as Representatives Robert W. Edgar (D-Pennsylvania), Millicent Fenwick (R-New Jersey), Benjamin A. Gilman (R-New York), Pierre S. Du Pont (R-Delaware), and Helen Meyner (D-New Jersey) now all opposed the Tocks Island Project, with only Representatives Frank Thompson (D-New Jersey) and Edward J. Patten (D-New Jersey) coming out in favor of the dam. "The labor unions were really pushing for construction," recalled Linky, who said Charlie Marciante, then president of the state AFL-CIO withdrew his support for Byrne when he voted to temporarily stop the dam. Linky said there had been a number of New Jersey "pork barrel" interests in building the dam, including Congressman Robert Rowe from Passaic County, who was chair of the House Public Works Committee. "He was a very aggressive pork barrel guy to go to. He was a very big pro-development and construction guy. Getting federal appropriations was viewed as a feather in their cap," said Linky.¹¹⁵

Residents continued to voice opposition to the dam. "Those of us familiar with the area had a responsibility to speak up about this matter, surely before construction took place," said Shutaitis, who also testified for de-authorization. Shukaitis disputed that the dam could effectively fulfill its major purposes, such as flood control and water supply and it would be better to explore alternatives. Likewise, Harold A. Lockwood, Jr., of both the Save the Delaware Coalition and the Sierra Club, declared that the dam had been rehashed, restudied, reviewed and reanalyzed for many years and that the time had come to deauthorize it so that the Delaware River Basin Commission could get on with meaningful planning and avoid the confusion and

¹¹⁵ Linky Interview

chaos of the last 14 years. Tom Eichler of the New York Department of Environmental Conservation, called Congress's attention to the project's "serious shortcomings," claiming that its construction would force New York citizens to assume an even larger financial burden to control phosphorous discharges to the upper Delaware River. Yet several individuals appeared before the subcommittee in support of the project. Maurice K. Goddard, secretary of the Pennsylvania Department of Environmental Resources, represented Governor Shapp's position on Tocks Island. He said the Commonwealth of Pennsylvania continued its support for the immediate construction of the Tocks Island Dam and Reservoir project as it had since the project was first conceived. According to Goddard, deauthorizing Tocks Island would merely "put us right back to the point where we were 20 years ago, with no immediate means of meeting the present and future water and water-related needs of the citizens and industry of the four-State basin and its service area." In a similar way, Joseph F. Radziul of the Philadelphia Water Department, explained that Tocks Island was the only means to ensure that the Delaware River Basin would not have "a serious water shortage" in future years.¹¹⁶

While not supporting immediate construction of Tocks Island, others advocated continued authorization of the project in the event the need ever became apparent. James W. Wright, executive director of the DRBC and a representative of Governor Tribbitt of Delaware, for example, stated that "too many issues remain unresolved as this time to risk the permanent foreclosure of the Tocks Island Lake project." Wright was especially concerned about salt water intrusion and whether nonstructural flood control measures could provide an adequate amount of protection. "Although the Delaware River Basin Commission member-states voted 3-to-1 against a motion recommending congressional appropriation of Tocks Island construction funds,"

¹¹⁶ Albert, p. 157-158.

Wright concluded, “only New York among the four member States has expressed support for deauthorization.”¹¹⁷ Congress passed no deauthorization bill in 1976 or in the years immediately thereafter. The Tocks Island Dam project hung in limbo.

Environmentalists Finally Help Stop the Dam

With the possibility of the dam still lingering, environmental groups and opponents aimed to ensure that no construction ever occurred by getting Congress to designate the Middle Delaware River as a wild and scenic river. The Wild and Scenic Rivers Act, passed by Congress in 1968, declared that rivers with “outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values” would be “preserved in free-flowing condition.”¹¹⁸ President Jimmy Carter signed the National Parks and Recreation Act of 1978, adding the segment from the point where the Delaware River crosses the northern boundary of the Delaware Water Gap National Recreation Area to the point where the river crosses the southern boundary of the recreation area to the National Wild and Scenic Rivers System to the system. In addition, the act authorized the Secretary of the Interior to include all of the Tocks Island Dam lands in the Delaware Water Gap National Recreation Area and to acquire any additional land which the Corps had not yet purchased. In essence, the passage of this legislation protected the Delaware River and blocked Tocks Island Dam. The same bill, which critics dubbed, "The Park Barrel Bill," provided parks and recreation areas in forty-four states, three territories and over 48 percent of the congressional districts in the nation. The inclusion of the Delaware River and this designation was a victory that can be truly attributed to the

¹¹⁷ S. 3106, “A Bill to terminate the authorization for the Tocks Island Reservoir Project as part of the Delaware River Basin project, and for other purposes,” copy in Senate Subcommittee on Water Resources of the Committee on Public Works, *Tocks Island Deauthorization: Hearings Before the Subcommittee on Water Resources of the Committee on Public Works, United States Senate, 94th Cong., 2nd sess., 1976*, various testimony, pgs. 3-198

¹¹⁸ Albert, p 150.

environmental movement, primarily the national Environmental Defense Fund, but as it has been explained and reviewed previously, the dam was already mortally wounded, (although not quite dead yet.) Pennsylvania was still bitterly lobbying for the dam and New Jersey had left itself a 20 year window of opportunity to reassess its water supply needs.

Albert wrote, "Deauthorization of Tocks Island Dam was the next item on the environmental agenda."¹¹⁹ Clearly, this was an overstatement. For many years, only New York State favored deauthorization, but not for environmental reasons. Various House and Senate bills recommending deauthorization were repeatedly introduced during the next decade and all failed. The dam had lost support of the DRBC and the Army Corps, its principle players. Yet while support in Congress waned, there remained many political supporters and legal and technical issues, primarily the Supreme Court Decree of 1954, which had divided the waters of the Delaware in the first place and was later satisfied by a regulatory Good Faith Agreement. Brig. General James Kelley, the head of the Corps North Atlantic Division recommended the project be deauthorized so that alternative water resources plans could be implemented. Finally, Congress passed the Water Resource Development Act of 1986 which revamped the Corps of Engineers' public works programs, stipulating all inactive projects, including Tocks, be automatically deauthorized if no funding had been expended on them for ten years. This law was responsible for the automatic deauthorization of Tocks Island Dam in 1992.

By 1992, the protestors and environmentalists had long since abandoned the Minisink Valley. "The environmental community dropped the ball when the Park Service showed up," said Barry Allen, now associate professor of Environmental Studies at Rollins College, and a former resident of Flatbrookville and principle organizer in the fight to stop the dam in the

¹¹⁹ Albert, p. 147.

seventies. "People were concerned about the residents losing their homes, but after the dam received the Wild and Scenic Rivers designation, both the environmentalists and the Army Corps pulled out. The Park Service did nothing to preserve the cultural landscape. The historic value of the area was lost. The environmentalists had dropped the ball."¹²⁰

Congress did not officially deauthorize the project until July, 1992 and only with the provision that the dam be retained in the DRBC's Comprehensive Plan and reviewed again after the year 2002. In November, 2000, sixty five miles of the lower Delaware River were added to the National Wild and Scenic Rivers System making seventy five percent of the non-tidal river between New York State and Trenton, untouchable. The remaining twenty-five percent is too small for a dam or reservoir. Former Governor Thomas Kean recalled:

In the end it was a combination of factors that finally killed the project. Environmentalists went on later to make sure the dam could never happen when it received federal designation as a free-flowing river, but the issue of the dam was long dead and buried. It was a dead issue because of the cost benefit and that final study buried it.¹²¹

In February 1979, the Philadelphia District ended its official involvement with the Tocks Island Project by concluding the transfer of funds and property to the NPS. No longer involved with Tocks Island, the Philadelphia District did not have a robust workload and, in 1980, it saw its real estate function relocated to the Baltimore District, while engineering, design, and construction of new projects were also eliminated. By 1981, the staffing of the District had decreased from nearly eight hundred to below six hundred, emphasizing the dramatic effect that the killing of the Tocks Island Project had on it. Recognizing that Tocks Island had an effect on the District's workload, some critics charged District officials with hanging on to the project just for that reason, even if they knew it was not economically or environmentally justified. Yet

¹²⁰ Interview with Barry Allen by Kathleen Duca-Sandberg, December 8, 2010.

¹²¹ Kean Interview.

Corps officials denied this, stating instead that they merely saw it as the best way to meet the region's needs and that they were just doing what Congress wanted them to do. "Tocks Island wasn't authorized by a cadre of evil bureaucrats," testified Army Corps Assistant Chief of Engineering/Construction Division John Burnes. "It was authorized by the Congress." Regardless, the demise of the project had a direct and severe impact on the Philadelphia District.¹²²

The project also had a direct impact on the Delaware River Basin itself. Supporters of the project continued to believe that Tocks Island was the best solution and, at various times in the 1980s and even into the twenty-first century, some talked about trying to resurrect the project. Whenever a drought or floods hit the area, a number of people continued to respond that a dam at Tocks Island is still the solution. Clearly, it was difficult for some to let go of Tocks Island, believing that it was the key to many of the water problems in the Delaware River Basin. In 2002, after extensive research, the Tocks Island Dam Project was officially de-authorized by Congress. Albert concluded his book by saying it was the War in Vietnam that was the major reason for the demise of the Tocks Island Dam.

The idea was born in an era when an undammed river was considered a wasted resource and river taming was considered good water conservation. The momentum of this philosophy carried Tocks Island Dam to the start of construction, but it was not enough. It was the Vietnam War, however, that kept the project from being built. In many respects, Tocks Island was the Vietnam War of the Delaware Valley. As the cost of achieving the underlying goals escalated, they became confused and were questioned. In 1975 both the dam and the war collapsed from weakened political support and rising public pressure.¹²³

¹²² House Subcommittee on Water Resources of the Committee on Public Works and Transportation, *Water Resources Problems Affecting the Northeast: The Drought, and Present and Future Water Supply Problems: Hearings Before the Subcommittee on Water Resources of the Committee on Public Works and Transportation, House of Representatives, 97th Cong., 1st sess., 1981, 797.*

¹²³ Albert, p. 175

The long delay in starting Tocks Island in the 1960s eventually caused its demise. Ultimately, deauthorization in 1979 and establishment of the Delaware Water Gap National Recreation Area eliminated serious consideration of a large, main-stem reservoir for control of floods and droughts on the Delaware River. In the aftermath, the DRBC focused on the development of rules, regulations and procedures to deal with drought and water conservation policies entered DRBC's project review process. The WRA/DRB maintained close ties to the DRBC and worked on each of these initiatives, providing technical and policy input and providing information to its members and the broader public. The DRBC undertook and completed a "Level B" study in May, 1981 to identify alternatives to Tocks Island Dam and this time they emphasized public participation in the study process.

Residents Finally Get a Voice

Congress established the Citizen Advisory Commission on October 31, 1988, to advise the Secretary of the Interior on matters pertaining to the management and operation of the Delaware Water Gap National Recreation Area, as well as on other matters affecting its surrounding communities, re-chartering this Federal citizen's advisory committee in 1998 for an additional decade. The Secretary of the Interior now appoints the eleven-member committee, which consists of two members nominated by the Governor of New Jersey, two members nominated by the Governor of Pennsylvania, two members nominated by the Superintendent of Delaware Water Gap National Recreation Area, and five County members, nominated by the county administrations of Sussex and Warren Counties in NJ and Pike, Monroe, and Northampton Counties in Pennsylvania.

When re-authorization expired in October 2008, Representatives Scott Garret (R-NJ) and

Christopher Carney (D-PA) introduced a bipartisan bill (H.R. 3476) to reauthorize the Delaware Water Gap National Recreation Area Citizens Advisory Commission through 2018, saying “Communication is the key to addressing and resolving citizen concerns, and it is clear that residents and park users value the opportunity to respond to park decisions, as well as propose alternative ideas.” This bill passed the House of Representatives on October 13, 2009.

CHAPTER V

Conclusion

Rivers have long been a battleground between those who want to keep them free flowing and natural and those who want to harness water to create improvements. There are more than 75,000 dams in the United States that affect every major river outside Alaska but one, the Salmon River in Idaho. In addition to 400 large dams used to control floods, as of 1965 these dams created more than 26,000 miles of channeled waterways for shipping, 58,000 million acres of irrigated land and the generation of 30 million kilowatts of hydroelectricity. While these improvements have been deemed significantly beneficial and essential, river conservationists have claimed the most complete and permanent destruction of a river is by a dam. Environmental studies have shown when a dam stops the river's current, the landscape is flooded, the chemistry and temperature of the water changes and deep water blocks sunlight and stops the growth of bacteria and other food chain nutrients. Traditionally paid for by the federal government, the cost of building a dam has drawn negative criticism as well. Cost estimates have increased dramatically since Tocks Island dam was first proposed at only \$75 million in 1965. By 1983 the cost of building a dam in California was estimated at \$2.2 billion.¹²⁴

There has only been only one very comprehensive book written about the history of Tocks Island, but the author, Richard Albert, was undoubtedly an anti-dam environmentalist and wrote it with that slant. The end of the Tocks Island dam project has always been viewed as a victory for the growing environmental movement, but there was more to the story and it was simply a matter of money and time. Tocks Island Dam became irrevocably log-gammed during

¹²⁴ Interview with Tim Palmer, river historian and conservationist, author of *"Endangered Rivers and the Conservation Movement"* by Kathleen Duca-Sandberg, September 23, 2010.

the Carter Administration, but its demise really happened earlier when President Johnson needed funding to simultaneously fight the War in Vietnam and push through his key domestic programs. "Guns or Butter" handed the growing environmental movement this later victory. Budget cuts for smaller projects and programs delayed Tocks Island long enough for it to later become economically and environmentally unfeasible, especially after the enactment of the National Environmental Protection Act. In studying the history of Tocks Island Dam, the possibility of this argument had to be taken into account

Did the environmental movement really cause the demise of Tocks Island Dam and did environmentalists successfully stop other dams from being built elsewhere? In the late 1990s, within only a few years of the final deauthorization of Tocks Island Dam, more than 450 new dam projects were authorized for construction by the Army Corps of Engineers. River conservationist, Tim Palmer said that even during the War in Vietnam other dams were still being built despite critical domestic spending shortages, all depending on the amount of Congressional support they had and if construction was already underway. "Dam projects were still being funded then. It depended totally on congressional support for specific projects."¹²⁵ By all means, this project should have been one of many cut by the Johnson administration due to a lack of funding. It had not been started yet and there was no significant national reason to keep it except for the tremendous lobbying efforts of those who had "pork barrel" economic interests in the project such as the WRA/DRB or politicians such as John Saylor, Frank Thompson or Mike Rowe. O'Neill agreed.

Other dams were being built and they didn't have the opposition that Tocks did. You talk about building dams out west. There aren't as many people per square mile as there are in New Jersey. They don't have the same education level or the income level as people in the east. This is a rich, well-educated, densely populated

¹²⁵ Tim Palmer Interview.

state where it is hard to do anything, let alone build a dam without having some citizens group coming out against it. This is a difficult place to get things done. The degree of backing by the environmental movement in the seventies was highly correlated to the degree of income and education level.¹²⁶

Was the demise of the Tocks Island Dam project really a “win” for the environmental movement? At first glance and from a present day environmental history outlook, the answer would be yes because no dam was built and the river was preserved. However, there were actually two finales to the Tocks Island Dam project and they needed to be chronologically separated and examined. The real demise of the dam was between 1965 and 1970, when federal funding was diverted from the project to pay for the War in Vietnam and poor planning resulted in diminished cost benefits. This happened years before any significant environmental movement had taken up the cause to stop the dam’s construction. The second effort dragged on for years before legislation was finally enacted to stop the dam, once and for all, but these efforts were “au fait accompli.”

Viewed historically, the second demise, later in the 1970s considered the “environmental win,” was largely after-the-fact, and a controversy culturally created by the media and state politicians. This later controversy surrounding the dam was orchestrated primarily by the victims of social engineering who had formed coalitions with well-intentioned wilderness conservationists, hippie squatters and some people who might be legitimately considered modern environmentalists. Regardless of their environmental or altruistic values and motives, the people who were losing their homes were not as concerned about displacing shad and oysters as they were about losing the roofs over their heads. These were the people who officially spear-headed the controversy and were repeatedly interviewed by the press or caught on camera angrily demonstrating with a mixture of concerned citizens. Although the Army Corps of Engineers

¹²⁶ O'Neill Interview.

continued to push ahead, every year their budget was reduced and federal interest waned. Tocks Island dam was fundamentally a dead issue years before this second group of “environmental” supporters took credit for officially halting the project..

The second and later environmental controversy that continued until 1992 and even 2002, may have served as an ecological epiphany for some, but in the 1960s there were still very few sympathetic legislators capable of enacting laws to protect the environment and actually not much widespread public support for local environmental causes. The first Earth Day on April 22, 1970, marked the beginning of the modern environmental movement and attracted national attention. Even then, opposition to Tocks Island dam was still considered by many to be a grassroots movement that was used by the overall emerging environmental movement to gain traction. There was little unity among environmentalists on the Tocks Island project. They differed on the size of the national park, how many people should be allowed to visit annually, development of the areas surrounding the park and who should regulate land-use, among other issues. The State of New Jersey had no master development plan or the means to implement one. Ironically, it was the hated Corps of Engineers who rightly argued that the creation of the national park actually saved the surrounding areas, primarily the northwestern corner of New Jersey, from future commercial and residential over-development. Even today Routes 206, 23 and 15 that traverse northern New Jersey are choked with traffic on weekends, mostly with cars bearing out of state license plates heading towards the Pocono region.

Of course in the mid to late 1960s most elected officials and economic decision makers did not consider "the environment." They were conservationists, born of the Teddy Roosevelt old school of preserving natural resources as just that, resources to be used for man's benefit. Even Former Governor Kean, who later stopped offshore oil drilling and the dumping of medical

waste that was washing up on Jersey shore beaches, implementing the Superfund Cleanup, and dioxin, radon, asbestos and acid rain programs, called himself a conservationist. Stuart Udall, Secretary of the Department of the Interior under both Presidents Kennedy and Johnson was one of the biggest supporters of building dams in the 1960s and certainly neither of his bosses was too concerned with environmental issues. Johnson's administration managed to pass legislation to stop the further pollution of air and water, but these were not proactive, protective measures--they were reactive, crisis management issues that had found their way onto his plate, which was already full of social discontent and rhetoric about the War in Vietnam, the Civil Rights movement, the crushing budget deficit and inflation. Liberals, who were the earliest proponents of the environmental movement, were viewed to be same people giving Johnson a headache by protesting against the war, civil rights, women's rights, and other issues.

Ecology never really became a significant issue in the Tocks Island Dam controversy until later or even after the deauthorization. Engineering studies uncovered and noted possible adverse impacts, but these remained largely inconclusive and politically insignificant. For example, if the dam was to cause changes to the salinity of the river's water, scientists believed it would adversely impact or "simplify" the number of species living in it and create an imbalance in the ecosystem, but at that time, no one knew with certainty just how much of an impact it would have created. There just was not enough evidence to justify abandoning the dam because it might alter the natural environment. There was too much uncertainty.

Emerging environmentalists like O'Neill and Paulson and even Governor Cahill had to fight people within the newly created New Jersey Department of Environmental Protection, who thought the dam was the only way to meet New Jersey's water supply needs, an idea, which turned out to be completely without merit once the state and the DRBC conducted new studies

and produced a master water plan and people began to conserve water much in the same way it became the norm to recycle. O'Neill recalled how much support the dam once had in state government.

The bureaucracy thought the dam was a great thing to do. Under Governors Meyner and Hughes, this had been the project everyone wanted—old fashioned, democratic, public works, public power, build a dam, water power, conservation--the old way of doing things. It was absolutely routine. The Corps of Engineers knew how to do this stuff and it was supported by the local politicians. But by the creation of the first Earth Day it proved that the world was changing and the atmosphere was changing.¹²⁷

Early on, issues of suburban sprawl, land-use, transportation or eutrophication were not taken into consideration. No studies considered cost of living increases or population reductions that have occurred since then. No one agency took responsibility for oversight. Various agencies remained fragmented and did not coordinate their activities or analysis. Environmental values were still intangible and had not yet fully become the responsibility of a single agency or mindset. Significant environmental opposition was only organized after the first Environmental Impact Statement was issued by the Corps in the 1970s. Earlier, decision makers, who first put the dam into motion, did not have the benefit of environmental impact data or technical analysis. The construction of the Erie Canal or the Transcontinental Railroad in the 1860s most likely caused devastating environmental impacts, but no one thought about the endangered buffalo or land choking dust bowls. Tocks Island Dam was frozen in a half century of environmental transition that was provisional, unclear and tentative at best. O'Neill concluded.

The environmental impact statement and other studies did not lead to an effective decision on the project. The point of any analysis in government, the point of the environmental impact statement, was not to make the right or wrong decision, but to define the issues that require a decision at the conclusion of the analysis. If the process simply leads to delay and confusion then the analytical process incorporated into the environmental impact statement has failed.¹²⁸

¹²⁷ O'Neill Interview.

¹²⁸ Ibid.

Luckily, the long term goals of the environmental movement gained strength and survived primarily because of the National Environmental Protection Act. Since the 1970s, the majority of people came to realize that it is wrong to perpetuate urban/suburban sprawl or to cut down trees without replanting new ones or to kill animals close to extinction. The planet had grown smaller and as people became more aware of man's place in it and the damage being caused by carelessness and greed, the environmental movement became mainstream and accepted. At the time of Tocks Island we might have been on the way, but we still had a long way to go.

"In retrospect, there is no doubt that the same territory would have lost its virgin natural resources had this aggressive land grab not take place" said Nancy Shykaitis, who now in her mid-80s, is actively working to stop a proposed 146 mile, 500-kilovolt transmission line from being installed across eastern Pennsylvania and northern New Jersey, right through the middle of the Delaware Gap National Park. "If the Department of Interior holds fast to its federal mandate and all the laws governing National Parks prevail, these 72,000 acres will always be the pride of America, along with more than 200 other federal park treasures. Those of us who were left to relocate to places away from and outside of the park still have our grand memories of the 'good life' when traffic was nil, there was an absence of noise, real tranquility existed and paddling on a river was close to heaven."¹²⁹

Postscript

Jean Zipser lived in an early 18th century structure that was one of the first European houses built in the Minisink Valley. She was born in that house and lived there most of her short 57-year life. Zipser was the last mayor of Pahaquarry when the former mining town had

¹²⁹ Interview with Nancy Shukaitis by Kathleen Duca-Sandberg, February, 23, 2011.

dwindled to a total population of two. She and the other town resident finally gave up and allowed Pahaquarry to be absorbed into the neighboring Township of Hardyston. This was one of the first and only times two municipalities have merged in New Jersey. Zipser had worried that when she died, her ancestral home, which she eventually had to rent from the National Park Service, would also disappear. A personal friend and fellow journalist, Zipser had staunchly fought against the dam and was a militant defender of preserving the few remaining historic buildings that were now part of the national park. "Congress and the president can talk about preserving history, but until they are willing to put up the money, our history will die," she had written a few years before she was killed in a single car accident on an icy stretch of poorly maintained, federally owned, Old Mine Road, where this history began.

APPENDIX

TOCKS ISLAND DAM PROJECT TIMELINE

- 1783** New Jersey and Pennsylvania sign The Anti-Dam Treaty of 1783 and determine river island ownership. The Delaware River is considered a common highway and no dams are allowed.
- 1823** Lehigh Canal opens and others follow supporting Industrial Revolution demands for coal. The population explodes and water supply demands increase dramatically.
- 1903** The Delaware River Development Company is incorporated in New Jersey and creates the first plans for a dam on the Delaware River.
- 1906** New York builds New Croton Dam on the Delaware's headwaters. 1907-1928 the Catskill System is built to supply New York City.
- 1923** The lumber rafting industry has ended on the river.
- 1924** The Pennsylvania Water and Power Resources Board proposed a dam at Walpack Bend.
- 1925** The Delaware River Treaty (Tri-State) Commission was created by New Jersey, New York and Pennsylvania to equally share the river's water and maintain minimum flow.
- 1929** New Jersey sues New York and New York City over Delaware River water rights.
- 1931** The US Supreme Court rules on the Delaware River Case. Justice Oliver Wendell Holmes affirmed each state in the Delaware River Basin has a right to a fair share of the river's water.
- 1954** The French Army was defeated at Dien Bien Phu. The United States sends advisors to Vietnam.
- 1955** Pennsylvania began studying a Delaware River dam site at Walpack. Two devastating hurricanes caused record floods along the Delaware in August.
- 1956** The US Army Corps begins a major study of the Delaware River basin. The Delaware River Basin Advisory Committee is created.
- 1957** The Army Corps picks Tocks Island as their preferred site for a dam on the Delaware.
- 1959** The Delaware River Basin Compact was adopted by four states and the federal government.
- 1960** Tocks Island Dam and upper pumped water storage plans at Yards Creek were finalized.

- 1961 Power companies purchase land including Sunfish Pond from New Jersey and plans are made to use it for pumped storage to generate electricity.
- 1962 Tocks Island Dam is authorized by Congress with an estimated cost of \$90 million. There were 11,000 American troops in Viet Nam.
- 1963 Estimated Tocks Island Dam project costs increased an additional \$16 million.
- 1965 Delaware Water Gap National Recreation Area was established around the proposed Tocks Lake. The dam would have created a recreational lake surrounded by a National Park. Water and recreation are measured into a cost-benefit ratio. There were 150,000 American troops in Viet Nam.
- 1966 The Army Corps received \$1.2 million funding for Tocks but the project start was way behind. President Johnson starts facing funding shortages because of the War in Viet Nam. The *Lenni Lenape League* was formed to oppose a pumped-storage facility that would destroy Sunfish Pond and this attracts attention to Tocks Island Dam.
- 1967 Estimated Tocks Island Dam project costs increased to \$198 million. *Time Magazine* blasted President Johnson for unnecessary spending on Tocks Island Dam. Congress appropriated \$4 million for Tocks but the Army Corps budget was reduced. Justice William Douglas hikes to Sunfish Pond in support of its preservation.
- 1968 Estimated Tocks Island Dam project costs increased to \$203 million. Johnson began cutting his \$4.6 billion public works budget and grappled with imposing a 10 percent tax surcharge to help pay for the war. Inflation is out of control. There were 534,700 American troops in Vietnam. Congress appropriated only \$3.88 million to the Army Corps for Tocks, but that was cut an additional \$1.83 million by the Revenue and Expenditure Act. The project is way behind schedule.
- 1969 Estimated Tocks Island Dam project costs increased to \$214 million. Congress called for a new evaluation of the Tocks Island Dam Project and funding was again delayed. The General Accounting Office determined the dam's water supply benefit was underestimated while the recreational benefits of the dam and lake were over-estimated by the Army Corps. Only seven percent of the necessary land had been acquired for the Tocks Project and there were no construction contracts in place yet.
- 1970 President Nixon signs the National Environmental Policy Act. The Army Corps was then required to file an environmental impact statement on Tocks Island Dam. The Vietnam War scaled down, but Nixon cut his public works spending.
- 1971 Tocks Dam is delayed because an incomplete environmental impact statement was submitted by the Army Corps. Save the Delaware Coalition was formed uniting dozens of organizations to fight the dam.
- 1972 New Jersey Governor Cahill demands conditions be met for NJ's continued support of the dam, including a reduction of anticipated annual park visitors from 10.5 million to 4 million, which greatly diminished mandatory project revenue benefits.

- 1974 Congress appropriates funds for an impartial new environmental impact study on the Tocks Island Dam and stipulates no money be spent on construction or land acquisition until this study is completed. New Jersey Governor Brendan Byrne has a team of environmentalists privately study the project.
- 1975 The estimated cost to build Tocks Island Dam increased to \$400 million and kept climbing. Delaware River Basin Commission votes 3 to 1 against construction of Tocks Island Dam. The War in Vietnam is over.
- 1978 A major section of the Delaware River becomes part of the National Wild and Scenic Rivers System, effectively blocking future dams.
- 1983 A Good Faith Agreement was reached by all parties to the US Supreme Court Case of 1931 and was adopted by the Delaware River Basin Commission.
- 1986 The Water Resource Development Act reforms and modernizes the Army Corps of Engineers. No more funds are spent on the dam.
- 1992 Congress de-authorizes Tocks Island Dam, but retains the option to revisit the issue if deemed necessary in the future. The Delaware River Basin Commission begins searching for alternate water sources.
- 2008 A bill is passed to reauthorize the Delaware Water Gap National Recreation Area Citizens Advisory Commission through 2018.

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