



Part Two

People and Events

Despite its location on the fringe of megalopolis, the Delaware River is still relatively unspoiled for most of its 300-mile length and is still unobstructed by major dams. For almost two centuries it earned its freedom by serving as a highway for commerce, its status formalized in the Anti-Dam Treaty between New Jersey and Pennsylvania that remained in force from 1783 to 1953. Then, in 1955, long after commerce on the upper Delaware had disappeared, the Basin suffered the worst flood of record and within a decade after that it suffered the worst drought of record. For the first time in history a serious effort to dam up the main stem was launched. But as the project planning dragged on, delayed by the Vietnam War, a sharp change in the public's perception of major public works occurred. Opposition to the dam spread from those who would be forced from the valley to a much wider group with broad concerns about growth, and finally created a stormy battle.

Though the direct stimuli for the Tocks project were the flood and the drought, many threads in the controversy start far back in history. These threads are traced in the first essay of this section by Michael Reich. The controversy itself, together with its main characters, is described and analyzed by Harold Feiveson in the second essay.

Table 2-1. Time Line History of the Delaware River

	Prediscovery period—Lenni Lenape Indians occupy Water Gap and upstream flood plain, which they call the “Minisink.”
	1609 — Henry Hudson discovers Delaware Bay.
	1623 — Dutch West India Company takes formal possession of river.
	1675 — Colonized area ceded to the British.
	1742 — Thomas Penn forces the Delaware Indians to leave.
	1783 — Pennsylvania and New Jersey sign the Anti-Dam Treaty to protect fishing and navigation.
Ca.	1800 — Navigation by rafts and Durham boats is commercially important.
	1832 — Parallel canals open, eventually driving Durham boats out of business; coal is important commodity.
Ca.	1850 — Railroads begin to compete with canals; Water Gap begins rise as fashionable resort.
	1923 — New York, New Jersey, and Pennsylvania appoint commission to recommend a division of flow among the states.
	1928 — New York starts legal steps to divert upper Basin water; New Jersey objects, case goes to Supreme Court.
Ca.	1930 — Water Gap resort declines
	1931 — Drought; Supreme Court compromises: limits New York’s diversion to 440 mgd; New York moves ahead with plans for upper Basin dams.
	1934 — Corps of Engineers completes a Basinwide survey—publishes “308” report; recommends against federal control, proposes interstate agency.
	1936 — Inco del formed.
	1949 — (June) Driest June in 78 years; water shortage in New York City (upper Basin dams not yet built because of the Depression and war).
	1950 — Pirnie Report recommends dam at Wallpack Bend, others in New York.
	1952 — New York asks Supreme Court to increase New York’s diversion to 800 mgd; New Jersey, Pennsylvania enter case.
	1953 — New Jersey, Pennsylvania abrogate Anti-Dam Treaty of 1783.
	1954 — Supreme Court accepts a compromise, but permits 800 mgd for New York.
	1955 — (August) Largest flood of record occurs on Delaware. (September) Congress asks Corps to recommend flood control measures.
	1956 — (January) Corps holds hearings on flood damage.
	1961 — (March) 700 acres of New Jersey park land including Sunfish Pond quietly traded to the utilities, who want it for pumped storage. (September) DRBC is established by Congress. (1961–1965) Worst drought of record.
	1962 — Federal government funds the Delaware Estuary Comprehensive Study (DECS). (August) Corps’ comprehensive study submitted to Congress as House Document 522; study fills 11 volumes; Congress authorizes Corps’ plan.

- 1964 — Public hearings on Tocks lead to first organization of opponents: Delaware Valley Conservation Association.
- 1965 — (July) DRBC exercises authority at climax of drought: allocates water between New York and lower Delaware; Yard's Creek Pumped Storage plant goes into operation.
- 1966 — DECS study appears, offers alternative pollution abatement programs; National Park Service Master Plan for recreation area around Tocks appears.
(Mother's Day) Newly formed Lenni Lenape League organizes first protest pilgrimage to Sunfish Pond.
(Fall) First local landowners notified of condemnation; class action suit to stop Tocks is filed (dismissed on a technicality by Supreme Court in 1968).
- 1967 — Justice William O. Douglas joins protest march to Sunfish Pond.
- 1968 — Utilities agree to compromise that leaves Sunfish Pond intact, will expand Yard's Creek instead.
- 1970 — (January) NEPA becomes law: requires Environmental Impact Statements on all federal projects; establishes CEQ.
(November) Corps submits eight-page Impact Statement on Tocks, ignites new public indignation.
(December) Save-the-Delaware Coalition is formed.
- 1971 — (October) Corps releases expanded Environmental Impact Statement along with McCormick Report.
- 1972 — (February) Russell Train, in letter to Army, says CEQ approval depends on solution of environmental problems, especially eutrophication problem raised by McCormick Report.
(September) Governor Cahill announces seven conditions that must be met for his approval of dam.
- 1974 — (February) Squatters evicted in sudden early morning raid. Adverse publicity for Corps.
(August) Congress authorizes one and one-half million dollar comprehensive study of Tocks under direction of Corps of Engineers.
(October) URS/Madigan-Praeger and Conklin & Rossant chosen to carry out study; "Study Management Team," including Corps, DRBC, and state government officials specify broad scope for study.
- 1975 — (July) With study finished, DRBC meets to consider Tocks. Three governors (N.J., N.Y., Del.) vote against proceeding with construction, one (Pa.) votes for; the federal representative abstains; in a second vote, a majority votes for continued land acquisition for a park.
(October) Corps in letter to Congress recommends deauthorization, but bills to deauthorize remain dormant.
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Early Transport on the Delaware