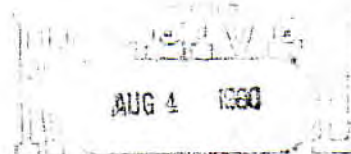


COMMONWEALTH of VIRGINIA

Office of the Governor

Richmond 23219

August 1, 1980



Lieutenant General J. W. Morris
Chief of Engineers
U. S. Army - Corps of Engineers
Forrestal Building
Washington, D. C. 20314

RE: Jackson River, Alleghany County, Virginia

Dear General Morris:

On May 5, 1978, I wrote to you concerning the question of whether or not the Jackson River in Alleghany County, Virginia, was a navigable stream. At that time, I took the position that the issue was probably one which should be litigated in the courts and I declined to voice an opinion one way or the other.

Since that time, several things have happened which prompt me to make additional comments. First of all, all of the governing bodies in the area of Virginia near this segment of the Jackson River have voiced strong disapproval of the taking of the landowners' property without just compensation. These governing bodies feel strongly that this section of the Jackson River is and has been private property and that just compensation should be paid the landowners if it is taken for any public purpose, including the proposed trout stream. In addition to the governing bodies, the Greater Alleghany Highlands Chamber of Commerce, representing the County of Alleghany and the cities of Covington and Clifton Forge, has gone on record against the taking of this property without just compensation.

Secondly, it has been suggested to me that the proposed trout stream is a project requested by the State of Virginia. I would like to correct the record in that regard since the State of Virginia, mainly through the Commission of Game and Inland Fisheries, has always taken the position that the Jackson River above Covington was private property. The position of the Game Commission was mainly based upon the historical use of this River as well as the case Boerner v. McAllister which was decided by our Virginia Supreme Court in 1955.

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While I still decline to involve myself in statements which could affect pending litigation, I do want to point out to you the strong course of action taken by the local governing bodies in the effected area and to correct any possible erroneous impression that the State of Virginia has or is sponsoring the proposed trout stream.

Should you have any questions about this, please feel free to get in touch with me.

With all good wishes, I am

Very truly yours,

John N. Dalton

, JND/jhw

cc: The Honorable Maurice B. Rowe
James E. Ryan, Jr., Esquire

bcc: The Honorable William T. Wilson