

COMMONWEALTH of VIRGINIA

COMMISSION OF GAME AND INLAND FISHERIES

THE STATE OF VIRGINIA
OFFICE OF THE COMMISSIONER OF GAME AND INLAND FISHERIES
1000 WEST BROAD STREET
RICHMOND, VIRGINIA 23260

February 17, 1977

Honorable William T. Wilson
House of Delegates
Eighth Street Office Bldg. - Room 711
Richmond, Virginia 23219

Dear Mr. Wilson:

We appreciate your letter of February 2, 1977 concerning your position on the Gathright Dam.

You mentioned it was your understanding that the Game Commission had "insisted" on the fishery (below the dam) "as a condition to their going along with the Corps proposal above the dam." I am aware this is a view held by some but it is in error.

Actually, the Commission consistently opposed construction of the dam until they were over-ruled by higher authority and the sale of Commission-owned lands was authorized by the General Assembly. The Commission was later denied the opportunity to negotiate with the Corps to obtain a higher and more fair price for the land when it was sold for a sum established by a then two-year old appraisal.

The Commission never "insisted" on the below dam fishery. It would probably be more accurate to say the Corps insisted on the fishery. Apparently the Corps was looking for every possible benefit (from the dam construction) in order to obtain a favorable cost-benefit ratio. During the negotiations we agreed that the tailwaters (if properly managed) could support a good fishery and it is our understanding the Corps used this "benefit" to offset the destruction of the stream fishery above the dam. This was despite the fact that we also pointed out the stream below the dam was privately owned and would not be of benefit to the public. The Corps, however, appeared to be of the view that the stream was "navigable" and therefore public.

We are well aware of the court decision(s) and regardless of the merits or the greater public interest of the tailwater fishery, we accept the current status.

Sincerely yours,

Chester F. Phelps
Chester F. Phelps
Executive Director

CFP:pcf