

therefore, the title goes to the center of the stream? This is the first question.

Mr. CRAFTS. I cannot answer that. I would like to ask our attorney, Mr. Wolph, to answer that, if I may, please.

Mr. WOLPH. If the rivers were not navigable as of the date of statehood, then the Federal Government in a Federal area, or the adjoining owner in a non-Federal area, would own the bed of the stream.

Mr. SAYLOR. That is right. But what I want to know is how much land are you going to take? Do you take 1,320 feet from the center of the stream, or 1,320 feet plus a half of the width of the stream?

Mr. WOLPH. It would be from the side of the stream which we have construed as being the ordinary high-water mark.

Mr. SAYLOR. All right.

Now, this 1,320 feet from just a rough estimate, that is about 320 acres a mile; is that correct?

Mr. CRAFTS. That is right.

Mr. SAYLOR. Well, now, does this not set a whole new precedent of taking 320 acres a mile? Is it necessary to take that much land?

Mr. CRAFTS. Well, as I said, Mr. Saylor, this is a quarter of a mile on each side. That 1,320 is a quarter of a mile. This is the maximum. And it is not always necessary. This would let it be possible to go out beyond this in some places and pull back below it in some places.

Also we made the point—I do not know whether it was before you came in or not—that the intent was that the fee-taking would be limited to 400 feet on each side of the river and the difference between 400 and 1,320 would be easement purchase if at all.

Now, I do not think this is without precedent. These parkways—and I cannot cite the width—there is certainly precedent there with respect to the parkways in that National Park System. The distance that we are talking about here is less than either the State of Maine or the State of Wisconsin is taking on the rivers that it is establishing.

Mr. SAYLOR. I am not concerned so much, Mr. Crafts, about the 1,320 feet. I am concerned about the apparent inflexibility that you tie yourself into.

Mr. CRAFTS. No.

Mr. SAYLOR. In other words, there may be some areas where you do not need it.

Mr. CRAFTS. That is right. This is a maximum. You do not have to go out that far.

Mr. SAYLOR. That is what I would like. In other words, there might be some places you need more. This is the thing that I think you ought to have.

Mr. CRAFTS. All right. The way it reads now—if this is a mile, the maximum you can go—you go in and out any old way you want to within that mile. But it cannot be more than this average of a quarter of a mile. To give us more flexibility, what the Secretary personally would prefer would be, for example, that if there is a hundred-mile river, we could go in and out and apply the quarter-mile average, not on a mile-per-mile basis, but on the full hundred miles. This would give us more flexibility.

Mr. SAYLOR. This, I think, would be desirable.

Mr. CRAFTS. This requires the insertion of only a few words, I think, in the bill.