

Mr. INDRITZ And if there was not such a memorandum previously prepared, please have the Solicitor's Office prepare such a memorandum in order to determine the outermost limits of the Government's possible riparian rights under the laws of the State of Virginia with respect to the Government's interest in Hunting Creek.

Mr. Moss. The record will be held open at this point to receive that information. It is of the utmost importance that it be expedited.

Dr. CAIN. I will request this of the Solicitor.

(Subsequently, Assistant Secretary Cain supplied copies of the following three memorandums by the Solicitor's Office, Interior Department, dated May 18, 1964, June 25, 1964, and April 8, 1965:)

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SOLICITOR,
Washington, D.C., May 18, 1964.

MEMORANDUM

To: Associate Regional Director, National Capital Region.
From: Assistant Solicitor, National Parks.

Subject: George Washington Memorial Parkway—Jones Point Park—riparian rights in Hunting Creek.

We have considered your memorandum of April 20 which submitted certain papers relating to plans for the construction of bulkheads and the placement of fill in Hunting Creek. We note it is your belief that the area proposed to be filled is within the area subject to the riparian rights of the United States.

The correspondence attached to your memorandum indicates that two private companies; namely, Howard P. Hoffman Associates, and Hunting Towers Operating Co., Inc., have made application to the Corps of Engineers for permission to construct a bulkhead and place fill in Hunting Creek at Alexandria.

As the owner of land fronting on Hunting Creek, the National Capital Region has notified the Corps of Engineers that it is opposed to the granting of these permits which would allow fill to extend across the frontage of the park property and interfere with its riparian rights.

It also develops that an act of the Virginia Assembly, chapter 546, approved March 31, 1964, authorizes the Governor and Attorney General to convey to Francis T. Murtha, trustee, title to the bed of the river in the area proposed to be filled by the above-mentioned applicants. Your correspondence shows that you have requested the Governor of Virginia to delay executing such deed until the rights of the United States in this area may be determined, and that Governor Harrison has advised that he will comply with this request.

Your memorandum sets forth certain questions on the above subject which will be answered in the order asked. Also, I am attaching for your information, a summary of legal principles applicable to this matter.

1. What are the rights of the United States in the bed of Hunting Creek?

A. The beds of rivers and creeks within the jurisdiction of Virginia, and not conveyed by special grant or compact according to law, are the property of the Commonwealth of Virginia. (Virginia Code, sec. 62-1.)

The limits or bounds of tracts of land lying on such rivers and creeks, and the rights and privileges of owners of such lands, extend to the low water mark, but no farther, unless the river or creek, or some part thereof, is comprised within the limits of a lawful survey. (Virginia Code, sec. 62-2.)

The owner of land fronting on a navigable stream is entitled to certain rights and privileges as a riparian owner. (See attached legal summary.)

2. What is the geographical extent of the rights of the United States?

A. The ownership of the property administered by the National Capital region extends to the low water mark in Hunting Creek.

3. What further action should be taken?

A. Aside from taking further administrative efforts to persuade the Corps of Engineers to deny granting the permit, in the event the permit should be granted and the State conveys a deed to the riverbed area so that filling and construction could be undertaken, consideration might be given to seeking an injunction.