

PERMIT FOR LANDFILL IN HUNTING CREEK, VA.

MONDAY, JUNE 24, 1968

HOUSE OF REPRESENTATIVES,
NATURAL RESOURCES AND POWER SUBCOMMITTEE
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:06 a.m., in room 2203, Rayburn House Office Building, Hon. Robert E. Jones (chairman of the subcommittee) presiding.

Subcommittee members present: Representatives Jones, Roush, Moss, Vander Jagt, Gude, and McCloskey.

Subcommittee staff present: Phineas Indritz, chief counsel, Laurence Davis, assistant counsel, and J. P. Carlson, minority counsel, Committee on Government Operations.

Other members of Committee on Government Operations present: Representative Henry S. Reuss.

Mr. JONES. The subcommittee will come to order. The purpose of these hearings is to investigate the circumstances in which the Corps of Engineers issued a permit to Howard P. Hoffman Associates, Inc., on May 29, 1968, to fill in a portion of Hunting Creek just south of Alexandria, Va.

Hunting Creek is a small bay on the westerly shore of the Potomac estuary, subject to the ebb and flow of the tides. It is navigable water of the United States, and as such can legally be obstructed or filled only under a permit issued by the Secretary of the Army, acting through the Corps of Engineers.

In 1963, Howard P. Hoffman Associates, Inc., and Hunting Towers Operating Co., Inc., who have property bordering the Hunting Creek Bay, filed two applications with the Corps of Engineers to bulkhead and fill two adjacent wedge-shaped areas in the bay, each containing about 18 acres, and stretching over 2,000 feet across the bay almost to the Virginia-Maryland line on the Potomac. In March 1964, the Virginia Legislature authorized the Governor to convey to the applicants the State's rights to the creekbed in the areas applied for, but the Governor, according to my understanding, has not made that conveyance.

The Fish and Wildlife Coordination Act (16 U.S.C. 662) requires the Corps of Engineers, before issuing any permit to fill in navigable water of the United States, to consult with the U.S. Fish and Wildlife Service, and with the appropriate State wildlife agency, and to consider their views of the impact upon wildlife.

The Corps of Engineers did consult with the U.S. Fish and Wildlife Service. Pursuant to such consultation, the Service's Bureau of Sport Fisheries and Wildlife objected to the applications on the ground that