

important waterfowl area and a proposed national park area. Yet the Corps of Engineers was advertising in advance that it intended largely to ignore the public interest, in violation of its own regulations.

The final granting of the permit, on May 29, 1968, was foreshadowed by the Corps of Engineers' action on March 24, 1964: If the main inquiry was whether the fill would hurt navigation, and the fill would obviously not hurt navigation, why bother about the public interest when there is a chance to let some land speculator unjustly enrich himself at the public's expense by upgrading the value of his land from \$1,700 an acre to \$145,000 an acre?

2. *Fish and Wildlife Service objects.*—The Fish and Wildlife Service has a record as glorious in the Hunting Creek case, as the record of the Corps of Engineers, and of various high functionaries in the Department of Interior is squalid. The Fish and Wildlife Service objected to the proposed fill the moment the Fish and Wildlife Service heard of the proposed fill in late 1963. The Corps of Engineers, all innocence, wrote the Fish and Wildlife Service on May 20, 1964, asking for detailed data concerning the effects upon wildlife in the waters of Hunting Creek of the proposed fill. Walter A. Gresh, Regional Director, Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife, Atlanta, Ga., let the Corps of Engineers have it in his June 17, 1964, letter, parts of which follow:

"Waters in the mouth of Hunting Creek east of George Washington Memorial Parkway are generally shallow and average 2 to 3 feet deep. Although these waters are fresh, they exhibit tidal influence of about 2½ feet. This area is bordered on the north and south by National Park Service lands (Jones Point and Dyke Marsh) and urban development and on the west by a highway causeway. The shallow waters in the mouth of Hunting Creek are generally turbid and thereby limit the growth of aquatic vegetation. A combination of soft bottom and high fertility provides excellent habitat for native mollusks, Japanese snail, midge larvae, and killifish. The great volume of food these species provide attracts numbers of gulls, terns, and diving ducks, primarily ruddy duck, greater and lesser scaup, ring-necked duck, canvasback, and bufflehead. Approximately 3,000 to 5,000 scaup and ruddy ducks overwinter in the general area.

"Counts by ornithologists and qualified observers show the 5-year average overwintering waterfowl population to be:

"Ruddy duck, 4,000.

"Scaup, 2,000 to 3,000.

"Ring-necked duck, 300 to 400.

"Black duck, 200.

"Canvasback, 100 (occasionally 1,500).

"Mallard, 80.

"Bufflehead, 50.

"Pintail, 50.

"The diversity of wetland habitat provided by Dyke Marsh and Hunting Creek has been historically an attraction to a variety of waterfowl. These areas were formerly heavily utilized by duck hunters but are now closed to hunting by the city of Alexandria and the National Park Service. At present, they are heavily utilized by naturalists and other persons interested in studying or observing the natural flora and fauna of the region. Every species of waterfowl normally occurring along the Atlantic Seaboard, with the exception of American scooters and eiders, has been recorded in the vicinity. Bellehaven picnic grounds at the north end of Dyke Marsh and Jones Point afford the principal means of access for the general public to observe these resources. The esthetic appeal and value of these pursuits are largely intangible and cannot be evaluated in monetary terms.

"For many decades, urban, municipal, and industrial developments have gradually reduced natural wetland habitat in the vicinity of metropolitan Washington, D.C., until at present Dyke Marsh and Hunting Creek constitute two of the better remaining areas. The construction proposed in the subject permit applications will further encroach on these remnant wetland habitats. About 35 acres of productive creek bottoms will be filled and permanently lost as waterfowl feeding and resting areas, which, by virtue of location, produce a significant esthetic resource. The obstruction resulting from bulkheading and filling will alter natural silting processes at the mouth of Hunting Creek and may accelerate the formation of mud flats thus further reducing valuable habitat. Ensuing development on the proposed fills will constitute a disturbance factor which will adversely affect waterfowl and shore bird utilization in the general area and seriously obstruct public observation and enjoyment from the National Park Service's access area at Jones Point.