

Mr. HARTZOG. I have that letter here and I am trying to find it. Is that the particular letter in which he withdrew the Department's objection?

Mr. INDRIITZ. Yes. The October 10, 1967, letter was the document in which he informed the Corps of Engineers that the Interior Department had withdrawn its objections to the permit.

Mr. HARTZOG. Yes. I think this is a fair inference, yes, sir; although I did not discuss it in my April 4 memorandum.

Mr. INDRIITZ. Do you mean by the statement "it is a fair inference" that you did not agree with the results stated in that letter of October 10, 1967?

Mr. HARTZOG. That is correct, and I would like to interpolate here there is a material distinction in the letter of October 10, 1967, to Colonel Rhea that I have here and the decision made by Under Secretary Black in 1968, and that relates to these maps that we have here. We have one over on this side which is a map prepared by us. These are prepared by the Bureau of Sport Fisheries and Wildlife; and Mr. Moss, with deference to you, sir, my understanding of these maps is that the area in dark brown, inclusive of the red area, is the original application of the Hoffman Co. for fill in this area.

Mr. Moss. That is correct.

Mr. HARTZOG. Our objection went to the fact that fill would in our view trespass on the riparian rights of the Federal Government.

Secondly, the application was revised and was in effect at the time of Assistant Secretary Cain's memorandum. This was our understanding of what would be approved in the light of Under Secretary Black's decision, and I call your attention to the fact that by limiting the area of fill, the remaining area of fill no longer involved the question of our riparian interests at Jones Point Park; but that had not been done in October 1967.

Mr. JONES. You refer to the riparian interests of the Federal Government. Designate it on the map, please.

Mr. HARTZOG. Sir, I would say at the northeast corner of the presently approved application, which is a projection of South Royal Street, southward.

Mr. JONES. Was the land just—

Mr. HARTZOG. This is Jones Point Park.

Mr. JONES. What is that area (indicating)?

Mr. HARTZOG. This is the area of the original application, sir. In other words, the point I was trying to make was to clarify what I had understood the distinguished gentleman from California to have said, that this was a pending application. It is possible that there could still be one. I am not advised on that. But at any rate this map is meant to depict the original application and this and this are the same.

Now then, this application was later amended to be roughly this area. And we were still objecting. And on the basis of Under Secretary Black's letter, this became the fill area and this is the point—

Mr. JONES. That is where they cut off three-quarters of an acre?

Mr. HARTZOG. Yes, sir; that is the point where they removed the application entirely from our claim they were trespassing on our riparian interest.

Mr. Moss. I think it is very important now that we also look at another part of your objection.

Mr. HARTZOG. Yes, sir.